

STATE OF ALABAMA,

Plaintiff,

vs.

JERRY E. WHITLEY,  
Defendant.

CRIMINAL CASE NUMBER

CC-02-186, 187, 188

ATTORNEY'S FEE DECLARATION

| <u>IN-COURT TIME</u> |                                                                 |      |
|----------------------|-----------------------------------------------------------------|------|
| DATE                 | ACTION                                                          | TIME |
| 2/20/02              | In court - hearing - appointment                                | 0.4  |
| 4/9/02               | In court - hearing - docket call                                | 0.5  |
| 6/19/02              | In court - hearing docket call                                  | 0.6  |
| 6/20/02              | In court - motion hearing                                       | 1.8  |
| 7/29/02              | In court - hearing - docket call                                | 0.2  |
| 8/26/02              | In court - hearing on motion to suppress                        | 1.7  |
| 9/4/02               | In court - hearing - docket call                                | 3.1  |
| 10/16/02             | In court - hearing - docket call                                | 0.2  |
| 10/23/02             | In court - hearing - motion in limine and writ of habeas corpus | 0.5  |
| 11/19/02             | In court - hearing - docket call                                | 0.4  |
| 12/2/02              | In court - hearing - jury qualification                         | 1.3  |
| 12/5/02              | In court - trial                                                | 7.0  |
| 1/14/03              | In court - hearing - sentencing                                 | 0.9  |
| Total In-Court Time  |                                                                 | 18.6 |

| <u>OUT-OF-COURT TIME</u> |                                                                                             |      |
|--------------------------|---------------------------------------------------------------------------------------------|------|
| DATE                     | ACTION                                                                                      | TIME |
| 2/20/02                  | Travel from court                                                                           | 0.2  |
| 2/20/02                  | Preparation of, filing and serving motions                                                  | 0.5  |
| 2/20/02                  | Review of indictments                                                                       | 0.3  |
| 2/22/02                  | Conference with attorney Rick Chancey, client's attorney at preliminary hearing level       | 0.3  |
| 2/26/02                  | Receipt and review of orders                                                                | 0.1  |
| 2/27/02                  | Receipt and review of State's motion for discovery and motion for consolidation of offenses | 0.3  |

| OUT-OF-COURT TIME |                                                                                                                      |      |
|-------------------|----------------------------------------------------------------------------------------------------------------------|------|
| DATE              | ACTION                                                                                                               | TIME |
| 2/28/02           | Receipt and review of message from client's brother                                                                  | 0.1  |
| 2/28/02           | Preparation of motion for reduction of bond                                                                          | 0.4  |
| 2/28/02           | Conference with D.A.; Receipt and review of discovery and plea offer                                                 | 0.3  |
| 2/28/02           | Letter to client                                                                                                     | 0.4  |
| 3/1/02            | Review, revise and finalize motion for reduction of bond; filing and serving                                         | 0.3  |
| 3/4/02            | Conference with attorney Rick Chancey                                                                                | 0.4  |
| 3/4/02            | Receipt and review of order on State's motion for discovery                                                          | 0.3  |
| 3/4/02            | Receipt and review of letters from client                                                                            | 0.4  |
| 3/4/02            | Telephone call from client's brother                                                                                 | 0.1  |
| 3/5/02            | Travel to and from jail for conference with client                                                                   | 1.6  |
| 3/8/02            | Receipt and review of order denying motion for reduction of bond; forward copy to client                             | 0.2  |
| 3/8/02            | Legal research re reasonableness of bond                                                                             | 0.5  |
| 3/11/02           | Telephone conference with Clerk of Court of Criminal Appeals                                                         | 0.2  |
| 3/11/02           | Drafting writ of petition for habeas corpus                                                                          | 0.6  |
| 3/12/02           | Legal research                                                                                                       | 0.4  |
| 3/12/02           | Review, revise and finalize petition for writ of habeas corpus                                                       | 0.5  |
| 3/12/02           | Filing and service of petition for writ of habeas corpus; letter to client; Receipt and review of letter from client | 0.7  |
| 3/13/02           | Receipt and review of letter from client                                                                             | 0.1  |
| 3/14/02           | Receipt and review of letter from client                                                                             | 0.1  |
| 3/15/02           | Receipt and review of letter from client                                                                             | 0.1  |
| 3/16/02           | Receipt and review of letter from client                                                                             | 0.1  |
| 3/18/02           | Receipt and review of message from client                                                                            | 0.1  |
| 3/20/02           | Receipt and review of letter from client                                                                             | 0.1  |
| 3/21/02           | Receipt and review of order reducing bond amounts                                                                    | 0.1  |
| 3/21/02           | Receipt and review of order from Court of Criminal Appeals for response to petition for writ of habeas corpus        | 0.1  |
| 3/22/02           | Travel to and from jail for conference with client                                                                   | 1.0  |
| 3/28/02           | Letter to client re bond reduction                                                                                   | 0.1  |
| 4/2/02            | Receipt and review of response to petition for writ of habeas corpus                                                 | 0.5  |
| 4/3/02            | Conference with attorney Rick Chancey                                                                                | 0.1  |

| OUT-OF-COURT TIME |                                                                                                                                                                                                                                                      |      |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| DATE              | ACTION                                                                                                                                                                                                                                               | TIME |
| 4/4/02            | Telephone call from client's father                                                                                                                                                                                                                  | 0.2  |
| 4/4/02            | Legal research                                                                                                                                                                                                                                       | 0.1  |
| 4/9/02            | Travel to and from court for docket call                                                                                                                                                                                                             | 0.3  |
| 4/10/02           | Receipt and review of Attorney General's motion to accept substitute exhibit to response                                                                                                                                                             | 0.2  |
| 4/10/02           | Letter to client with copies of filings                                                                                                                                                                                                              | 0.4  |
| 4/11/02           | Receipt and review of Court of Criminal Appeals dismissal of petition for writ of habeas corpus; letter to client with copy                                                                                                                          | 0.1  |
| 4/17/02           | Telephone conference with client                                                                                                                                                                                                                     | 0.9  |
| 4/25/02           | Letter to client                                                                                                                                                                                                                                     | 0.1  |
| 5/23/02           | Telephone conference with Buster Landreau                                                                                                                                                                                                            | 0.2  |
| 5/23/02           | Receipt and review of State's motion for joinder of defendants at trial                                                                                                                                                                              | 0.1  |
| 5/24/02           | Preparation of, filing and serving objection to motion for joinder; forward copies of filings to client                                                                                                                                              | 0.4  |
| 5/24/02           | Travel to and from D.A.'s office; review of prosecutor's tapes                                                                                                                                                                                       | 2.0  |
| 6/4/02            | Conference with client; notes                                                                                                                                                                                                                        | 0.6  |
| 6/11/02           | Telephone conference with D.A.'s office; telephone call to client; notes                                                                                                                                                                             | 0.4  |
| 6/11/02           | Legal research; drafting motions                                                                                                                                                                                                                     | 0.5  |
| 6/13/02           | Review, revise and finalize motions; preparation of, filing and serving Motion to Suppress Arrest and Evidence and Search Warrant, Motion to Permit Independent Analysis and Motion for Approval of Extraordinary Expenses; forward copies to client | 1.2  |
| 6/17/02           | Receipt and review of lab report and message from D.A.                                                                                                                                                                                               | 0.2  |
| 6/17/02           | Conference with Buster Landreau                                                                                                                                                                                                                      | 0.8  |
| 6/18/02           | Legal research re lab/mixture                                                                                                                                                                                                                        | 0.6  |
| 6/18/02           | Preparation of, filing and serving Motion for Further Analysis of Alleged Controlled Substance and Motion to Exclude Laboratory Report                                                                                                               | 1.0  |
| 6/19/02           | Travel to and from court for docket call                                                                                                                                                                                                             | 0.2  |
| 6/19/02           | Legal research                                                                                                                                                                                                                                       | 1.0  |
| 6/19/02           | Drafting and filing motions and subpoena requests; deliver subpoenas to Sheriff's office                                                                                                                                                             | 1.5  |
| 6/19/02           | Review, revise and finalize, filing and serving Motion to Continue                                                                                                                                                                                   | 0.2  |
| 6/19/02           | Telephone calls to witnesses and a witness's employer re attendance at hearing on 6/20/02                                                                                                                                                            | 0.2  |

| OUT-OF-COURT TIME |                                                                                                                  |      |
|-------------------|------------------------------------------------------------------------------------------------------------------|------|
| DATE              | ACTION                                                                                                           | TIME |
| 6/20/02           | Preparation for hearing                                                                                          | 0.3  |
| 6/20/02           | Travel to and from court for hearing                                                                             | 0.3  |
| 6/20/02           | Conference with client prior to hearing                                                                          | 0.3  |
| 6/20/02           | Conference with co-defendant's attorney Jeremy Armstrong                                                         | 0.9  |
| 6/20/02           | Legal research on issues re sentencing                                                                           | 1.4  |
| 6/20/02           | Telephone calls to Department of Corrections and Department of Pardons and Paroles                               | 0.6  |
| 6/20/02           | Letters to witnesses                                                                                             | 0.2  |
| 6/20/02           | E-mail to Department of Corrections                                                                              | 0.3  |
| 6/20/02           | Telephone call to office of Federal Public Defenders                                                             | 0.1  |
| 6/20/02           | Telephone call from Federal Public Defenders; telephone call to Buster Landreau                                  | 0.4  |
| 6/20/02           | Telephone call to Martindale-Hubbell to look for expert witness                                                  | 0.2  |
| 6/20/02           | Telephone call to Buster Landreau; telephone call from client                                                    | 0.2  |
| 6/21/02           | Travel to and from D.A.'s office to pick up tapes and player                                                     | 0.5  |
| 6/21/02           | Conference with client                                                                                           | 1.0  |
| 6/21/02           | Receipt and review of order denying approval of extraordinary expenses                                           | 0.1  |
| 6/21/02           | Preparation of, filing and serving Motion for Reconsideration of motion for extraordinary expenses               | .4   |
| 6/21/02           | Conference with Buster Landreau                                                                                  | 0.6  |
| 6/25/02           | Telephone call from Department of Corrections                                                                    | 0.3  |
| 6/25/02           | Receipt and review of order denying motion for reconsideration; letter to client                                 | 0.2  |
| 7/3/02            | Telephone call from client                                                                                       | 0.4  |
| 7/8/02            | Telephone calls to Smith-Kline Laboratories                                                                      | 0.3  |
| 7/11/02           | Receipt of notice of docket call; letter to client; conference with client                                       | 0.3  |
| 7/16/02           | Telephone call from client; notes; telephone calls to Smith-Kline                                                | 0.3  |
| 7/23/02           | Telephone calls to witnesses                                                                                     | 0.1  |
| 7/24/02           | Telephone call to potential expert witness Dr. Hiatt; fax lab report to Dr. Hiatt; telephone call from Dr. Hiatt | 0.6  |
| 7/25/02           | Receipt and review of order to show cost and time for completion of independent analysis                         | 0.1  |
| 7/25/02           | Telephone call to Buster Landreau; telephone call to client                                                      | 0.3  |

| OUT-OF-COURT TIME |                                                                                                                                              |      |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------|------|
| DATE              | ACTION                                                                                                                                       | TIME |
| 7/26/02           | Preparation of, filing and serving Supplemental Information in Support of Motion for Reconsideration of Extraordinary Expenses               | 0.7  |
| 7/29/02           | Travel to and from court for hearing, docket call, filing                                                                                    | 0.4  |
| 7/29/02           | Conference with Buster Landreau and conference with client prior to hearing                                                                  | 0.2  |
| 7/29/02           | Receipt and review of order granting motion for consolidation of cases for trial                                                             | 0.1  |
| 7/31/02           | Preparation of proposed order; fax to Dr. Hiatt                                                                                              | 0.6  |
| 8/6/02            | Telephone call to Dr. Hiatt                                                                                                                  | 0.1  |
| 8/6/02            | Telephone calls to Forensic Sciences, Department of Transportation re method for shipping samples                                            | 0.7  |
| 8/7/02            | Telephone calls to shipping agencies                                                                                                         | 0.4  |
| 8/9/02            | Receipt and review of Order for Transport of samples                                                                                         | 0.1  |
| 8/15/02           | Receipt and review of State's motion to amend order for transport                                                                            | 0.5  |
| 8/16/02           | Preparation of, filing and serving objection to motion to amend order                                                                        | 0.5  |
| 8/19/02           | Letter to client; telephone call to Buster Landreau; telephone call to Dr. Hiatt                                                             | 0.3  |
| 8/22/02           | Conference with attorney Rick Chancey                                                                                                        | 0.8  |
| 8/22/02           | Telephone call from client; telephone call from Ed Berry                                                                                     | 0.2  |
| 8/22/02           | Telephone calls to attorneys Joel Collins, Tommy Worthy and Jeremy Armstrong re co-defendants                                                | 0.5  |
| 8/22/02           | Letter to Buster Landreau                                                                                                                    | 0.2  |
| 8/23/02           | Preparation of, filing and serving motion in limine                                                                                          | 0.3  |
| 8/23/02           | Telephone call from client                                                                                                                   | 0.2  |
| 8/23/02           | Preparation and delivery of subpoenas; telephone calls and letters to witnesses                                                              | 1.3  |
| 8/23/02           | Conference with Clerk; preparation of, filing and serving motion to transport witness Steven Mosseson to suppression hearing; deliver motion | 0.8  |
| 8/23/02           | Telephone conference with client                                                                                                             | 0.2  |
| 8/23/02           | Telephone conference with witness Carolyn Martin                                                                                             | 0.2  |
| 8/23/02           | Receipt and review of Buster Landreau and State's Notice of Intent to Seek Sentencing Enhancements                                           | 0.1  |
| 8/23/02           | Conference with attorney Rick Chancey                                                                                                        | 0.7  |
| 8/23/02           | Telephone call to Buster Landreau; telephone call to Forensic Science lab                                                                    | 0.3  |
| 8/26/02           | Preparation for hearing on motion to suppress                                                                                                | 1.9  |

| OUT-OF-COURT TIME |                                                                                                                                                                                                                                                    |      |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| DATE              | ACTION                                                                                                                                                                                                                                             | TIME |
| 8/26/02           | Telephone call to Jeremy Armstrong; telephone call to client                                                                                                                                                                                       | 0.4  |
| 8/26/02           | Travel to and from court for hearing                                                                                                                                                                                                               | 0.4  |
| 8/26/02           | Conference with client prior to hearing                                                                                                                                                                                                            | 0.2  |
| 8/26/02           | Conference with client after hearing                                                                                                                                                                                                               | 0.1  |
| 8/28/02           | Receipt and review of order denying motion                                                                                                                                                                                                         | 0.1  |
| 8/28/02           | Preparation of, filing and serving motion to continue                                                                                                                                                                                              | 0.4  |
| 9/4/02            | Travel to and from court for docket call                                                                                                                                                                                                           | 0.3  |
| 9/4/02            | Preparation of motion to set aside writ of arrest and withdraw revocation of bond (client was late for docket call); conference with client's mother; preparation of affidavit for client's mother in support of motion; filing and serving motion | 1.0  |
| 9/4/02            | Telephone conferences with Dr. Hiatt; telephone call to Forensic Science lab                                                                                                                                                                       | 0.3  |
| 9/5/02            | Preparation of, filing and serving amendment to motion                                                                                                                                                                                             | 0.3  |
| 9/5/02            | Receipt and review of letter from Buster Landreau re shipping samples                                                                                                                                                                              | 0.2  |
| 9/18/02           | Receipt and review of several letters from client                                                                                                                                                                                                  | 0.4  |
| 9/18/02           | Preparation of, filing and serving petition for writ of habeas corpus                                                                                                                                                                              | 0.6  |
| 9/23/02           | Preparation of, filing and serving motion to compel compliance with order for transport of samples                                                                                                                                                 | 1.0  |
| 9/23/02           | Letter to client                                                                                                                                                                                                                                   | 0.2  |
| 9/23/02           | Letter to client; delivery of letter to jail with copies of filings                                                                                                                                                                                | 0.6  |
| 9/24/02           | Travel to and from jail for conference with client; notes to file                                                                                                                                                                                  | 0.5  |
| 9/27/02           | Receipt and review of State's response to motion to compel                                                                                                                                                                                         | 0.3  |
| 10/1/02           | Preparation of, filing and serving reply to State's response                                                                                                                                                                                       | 0.7  |
| 10/7/02           | Receipt and review of letters from client                                                                                                                                                                                                          | 0.3  |
| 10/9/02           | Telephone call from client's mother                                                                                                                                                                                                                | 0.1  |
| 10/10/02          | Receipt and review of letter from client                                                                                                                                                                                                           | 0.3  |
| 10/10/02          | Receipt and review of order on motion to compel and order setting hearing on motions to set aside writ of arrest and revocation of bond and motion in limine                                                                                       | 0.3  |
| 10/10/02          | Receipt and review of order setting hearing on petition for writ of habeas corpus and order denying motion to compel                                                                                                                               | 0.2  |
| 10/10/02          | Research best way to ship samples                                                                                                                                                                                                                  | 0.3  |
| 10/10/02          | Telephone call from Buster Landreau                                                                                                                                                                                                                | 0.2  |



| OUT-OF-COURT TIME |                                                                                                                                                                                                                     |      |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| DATE              | ACTION                                                                                                                                                                                                              | TIME |
| 10/11/02          | Preparation of, filing and serving motion to continue                                                                                                                                                               | 0.5  |
| 10/11/02          | Travel to and from jail for conference with client                                                                                                                                                                  | 0.8  |
| 10/11/02          | Telephone call to Dr. Hiatt                                                                                                                                                                                         | 0.1  |
| 10/15/02          | Telephone conference with Buster Landreau re obtaining samples from Forensic Sciences                                                                                                                               | 0.3  |
| 10/16/02          | Travel to and from court for docket call                                                                                                                                                                            | 0.4  |
| 10/16/02          | Telephone conference with Buster Landreau, receipt and review of plea offer                                                                                                                                         | 0.4  |
| 10/16/02          | Telephone calls from client's father                                                                                                                                                                                | 0.3  |
| 10/16/02          | Conference with client's uncle, Vince Maci; receipt and review of paper from him                                                                                                                                    | 0.4  |
| 10/16/02          | Travel to and from jail for conference with client to discuss plea offer                                                                                                                                            | 0.4  |
| 10/16/02          | Receipt and review of order setting motion hearing                                                                                                                                                                  | 0.1  |
| 10/17/02          | Telephone call to Buster Landreau with counteroffer to plea agreement                                                                                                                                               | 0.2  |
| 10/17/02          | Travel to and from jail for conference with client                                                                                                                                                                  | 0.6  |
| 10/18/02          | Travel to and from jail for conference with client                                                                                                                                                                  | 0.6  |
| 10/21/02          | Letter to client confirming his rejection of plea offer and options                                                                                                                                                 | 0.3  |
| 10/21/01          | Travel to and from jail for conference with client                                                                                                                                                                  | 0.4  |
| 10/22/02          | Telephone call from client's father                                                                                                                                                                                 | 0.1  |
| 10/22/02          | Travel to and from Forensic Sciences Lab to observe collection and packaging of samples for shipment; telephone call to Federal Express agents to pick up samples; telephone call to Dr. Hiatt with tracking number | 3.1  |
| 10/22/02          | Mailing petition for writ of habeas corpus to Court of Criminal Appeals; filing and serving petition; forward copy to client                                                                                        | 0.3  |
| 10/23/02          | Preparation for hearing                                                                                                                                                                                             | 0.4  |
| 10/23/02          | Travel to and from court for hearing                                                                                                                                                                                | 0.4  |
| 10/23/02          | Telephone conference with client's father                                                                                                                                                                           | 0.2  |
| 10/24/02          | Letter to court reporter requesting transcripts of guilty pleas and hearing                                                                                                                                         | 0.3  |
| 10/24/02          | Letter to client concerning status of case                                                                                                                                                                          | 0.4  |
| 10/25/02          | Attempt to reach Dr. Hiatt; fax letter to Dr. Hiatt to request copy of CV                                                                                                                                           | 0.3  |
| 10/25/02          | Receipt and review of order on motion to reduce bond and motion in limine; letter to client with copies                                                                                                             | 0.2  |
| 10/29/02          | Telephone calls from client's father                                                                                                                                                                                | 0.1  |
| 10/29/02          | Receipt and review of letter from client                                                                                                                                                                            | 0.4  |

| OUT-OF-COURT TIME |                                                                                             |      |
|-------------------|---------------------------------------------------------------------------------------------|------|
| DATE              | ACTION                                                                                      | TIME |
| 10/29/02          | Response letter to client                                                                   | 0.4  |
| 10/30/02          | Receipt and review of message from Dr. Hiatt re status of tests                             | 0.1  |
| 11/4/02           | Telephone call from client's father                                                         | 0.2  |
| 11/4/02           | Receipt and review of letter from client                                                    | 0.2  |
| 11/6/02           | Receipt and review of Court of Appeals denial of writ of habeas corpus                      | 0.1  |
| 11/6/02           | Letter to client with copy of order                                                         | 0.1  |
| 11/15/02          | Receipt and review of letter from client                                                    | 0.1  |
| 11/15/02          | Telephone call from Dr. Hiatt regarding analyses                                            | 0.3  |
| 11/19/02          | Travel to and from court for docket call                                                    | 0.2  |
| 11/21/02          | Receipt and review of letter from client                                                    | 0.1  |
| 11/22/02          | Receipt and review of telephone messages from client's father                               | 0.1  |
| 11/25/02          | Receipt and review of letter from client                                                    | 0.1  |
| 11/25/02          | Telephone call from court reporter regarding transcripts                                    | 0.1  |
| 11/26/02          | Telephone call and fax to fire department re call on 9/21/02                                | 0.3  |
| 11/26/02          | Preparation of motions for trial                                                            | 0.3  |
| 11/26/02          | Preparation of jury instructions                                                            | 0.2  |
| 11/26/02          | Receipt and review of lab reports and Dr. Hiatt's CV                                        | 0.5  |
| 11/26/02          | Copy reports and CV, dictation of letter to Buster Landreau with copies                     | 0.3  |
| 11/26/02          | Review of various letters from client; legal research; letter to client                     | 1.0  |
| 11/26/02          | Preparation of, filing and serving subpoena to fire department                              | 0.3  |
| 11/26/02          | Legal research re witnesses                                                                 | 0.5  |
| 12/2/02           | Receipt and review of jury list (venire)                                                    | 0.5  |
| 12/2/02           | Synthesis and analysis of juror information                                                 | 1.2  |
| 12/2/02           | Review and research of venire                                                               | 1.0  |
| 12/2/02           | Travel to and from court for jury qualification                                             | 0.2  |
| 12/2/02           | Preparation for trial                                                                       | 4.0  |
| 12/3/02           | Preparation of, filing and serving motion to continue and motion for extraordinary expenses | 0.8  |
| 12/3/02           | Letter to client with copies of pleadings and documents; hand deliver to jail               | 0.6  |
| 12/3/02           | Preparation for trial                                                                       | 8.6  |



| <u>OUT-OF-COURT TIME</u> |                                                                                                                                          |       |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------|-------|
| DATE                     | ACTION                                                                                                                                   | TIME  |
| 12/4/02                  | Receipt and review of D.A.'s motion in limine and response to motion for continuance, motion for extraordinary expenses                  | 0.4   |
| 12/4/02                  | Receipt and review of order on motion to continue                                                                                        | 0.1   |
| 12/4/02                  | Preparation for trial                                                                                                                    | 4.7   |
| 12/5/02                  | Travel to and from court                                                                                                                 | 0.4   |
| 12/9/02                  | Receipt and review of orders on motions                                                                                                  | 0.3   |
| 1/13/03                  | Receipt and review of pre-sentencing report                                                                                              | 0.4   |
| 1/14/03                  | Travel to and from court                                                                                                                 | 0.2   |
| 1/14/03                  | Preparation of, filing and serving notice of appeal and motion to appoint appellate counsel                                              | 0.6   |
| 1/17/03                  | Receipt and review of Notice of Appeal to the Alabama Court of Criminal Appeals                                                          | 0.2   |
| 1/17/03                  | Telephone conference with Sherrie Greenlees; notes                                                                                       | 0.2   |
| 1/21/03                  | Preparation of, filing and service of Motion to Withdraw Representation and to Appoint Appellate Counsel and motion for indigency status | 0.9   |
| 1/21/03                  | Travel to and from courthouse to file documents                                                                                          | 0.3   |
| 1/23/03                  | Receipt and completion of docketing statement and transcript purchase order, deliver to clerk                                            | 0.5   |
| 1/26/03                  | Receipt and review of Informational Notice to Appellant                                                                                  | 0.2   |
| 1/27/03                  | Receipt and review of filed copies of above                                                                                              | 0.2   |
| 1/28/03                  | Preparation of and mailing certified request for reimbursement of office overhead expenses                                               | 0.5   |
| 2/11/03                  | Follow-up telephone call to Sherrie Greenlees at Russell County Circuit Clerk's office re why indigency status motion not ruled on       | 0.2   |
| 2/11/03                  | Telephone call to Court of Criminal Appeals re delayed paperwork; advised March 11 deadline to produce transcript                        | 0.1   |
| 2/11/03                  | Dictation of letter to clerk with copies of paperwork from Court file                                                                    | 0.3   |
| 2/12/03                  | Letter to client with all of above information                                                                                           | 0.2   |
| 2/12/03                  | Preparation of billing; close file                                                                                                       | 0.5   |
| Total Out-of-Court Time  |                                                                                                                                          | 103.5 |

| <u>OVERHEAD EXPENSE</u> |                |       |
|-------------------------|----------------|-------|
| 2/20/02                 | Order Approved | 122.1 |

Ferry Whitely  
Appellant's Name

v. State of Alabama  
Appellee

Trial Court Case No. CC 02-186  
CC 02-187  
CC 02-188

Notice of Appeal Date 1/14/03

On appeal from the: ☒ Circuit Court of  
☐ District Court of  
☐ Juvenile Court of

Russell County

CLERK'S OFFICE  
MONTGOMERY, AL  
MAR 11 PM 2:25

I, Linda Wilson, a court reporter in the above referenced case, hereby request a 28- day extension to complete the transcript in said cause for the reasons I have set out below. Currently this transcript is due on 3/11/03, and with this extension the transcript will be due on 4/8/03.

REASONS:

Linda Wilson  
Court Reporter

3/11/03  
Date

### TRIAL COURT ACTION

☒ Upon consideration of the above request, I hereby grant a 28- day extension to complete said transcript, thus extending the transcript's due date to 4/8/03. Upon granting this request, I direct the court reporter to file this order with the Clerk of this Court and to mail or fax a copy hereof to the Clerk of the Court of Criminal Appeals at the address noted below by no later than the transcript due date in effect immediately preceding this order.

☐ The above referenced request for a local extension is denied.

Frank R. Davis  
Judge's Signature

3/11/03  
Date

Note: Pursuant to Rule 11(c) of the Alabama Rules of Appellate Procedure, local extensions cannot total more than 28 days and cannot be to a date more than 84 days from the date of the notice of appeal.

The Clerk of the Court of Criminal Appeals  
P. O. Box 301555  
Montgomery, Alabama 36130-1555

Fax (334) 242-4689

H. W. "Buck" Hamilton  
Presiding Judge  
SUE BELL COBB  
PAMELA W. BASCHAB  
GREG SHAW  
KELLI WISE  
Judges

P.O. BOX 301555  
MONTGOMERY, AL 36130-1555  
Case 3:05-cv-00427-MEF-CSC Document 12-9 Filed 07/19/2005

Page 11 of 48  
Clerk  
Wanda K. Ivey  
Assistant Clerk  
(334) 242-4590  
FAX (334) 242-4689

March 11th, 2003

RE: CR-02-0739

Jerry Eugene Whitley v. State of Alabama (Appeal from Russell Circuit Court: CC02-186;  
CC02-187; CC02-188).

You are hereby notified that the Court of Criminal Appeals acknowledges that the  
following action was taken in the above cause by the trial court:

Additional time is granted to certify the completion of reporter's transcript to  
and including 04/08/2003.

Lane W. Mann, Clerk  
Court of Criminal Appeals

LWM/sm

cc: Honorable George R. Greene, Circuit Judge  
Honorable Kathy S. Coulter, Circuit Clerk ✓  
Linda S. Wilson, Court Reporter  
Honorable J. Michael Williams, Sr., Attorney, Appellant

FILED IN OFFICE  
2003 MAR 13 PM 12:04  
CLERK OF COURT  
MONTGOMERY, AL

Fax: (334) 242 -4689

The Clerk of the Court of Criminal Appeals  
P. O. Box 301555  
Montgomery, Alabama 36130-1555

Final Appeals Case Number

CR 02 - 0739

v. State of Alabama  
Appellee

Ferry Whitley  
Appellant's Name

Notice of Appeal Date 1/14/03

Final Court Case No. CC 02-186  
CC 02-187  
CC 02-188

In appeal from the: ☒ Circuit Court of  
☐ District Court of  
☐ Juvenile Court of

Russell County

I, Linda Wilson, a court reporter in the above referenced case,  
by request a 28- day extension to complete the transcript in said cause for the reasons  
I have set out below. Currently this transcript is due on 4/8/03, and with this extension  
the transcript will be due on 5/6/03.

REASONS:

Linda Wilson  
Court Reporter

4/8/03  
Date

Note: Rule 11(c) of the Alabama Rules of Appellate Procedure prohibits an appellate court from granting an extension if the request is not received by the clerk of the appellate court within the time originally prescribed or before the expiration of an extension previously granted. Based on internal policy of the Court of Criminal Appeals, no more than two 28-day extensions will be granted.

MOTION TO COURT OF CRIMINAL  
APPEALS FOR EXTENSION OF TIME  
TO FILE TRANSCRIPT

Fax: (334) 242 -4689

The Clerk of the Court of Criminal Appeals  
P. O. Box 301555  
Montgomery, Alabama 36130-1555

Criminal Appeals Case Number

CR 02-0739

Ferry Whitley  
Appellant's Name

v. State of Alabama  
Appellee

Criminal Court Case No. CC02-186  
CC02-187  
CC02-188

Notice of Appeal Date 1/14/03

In appeal from the: ☒ Circuit Court of  
☐ District Court of  
☐ Juvenile Court of

Russell County

I, Linda Wilson, a court reporter in the above referenced case,  
hereby request a 28- day extension to complete the transcript in said cause for the reasons  
I have set out below. Currently this transcript is due on 5/6/03, and with this extension  
the transcript will be due on 6/3/03.

REASONS:

Linda Wilson  
Court Reporter

5/5/03  
Date

Note: Rule 11(c) of the Alabama Rules of Appellate Procedure prohibits an appellate court from granting an extension if the request is not received by the clerk of the appellate court within the time originally prescribed or before the expiration of an extension previously granted. Based on internal policy of the Court of Criminal Appeals, no more than two 28-day extensions will be granted.

H. W. "Bucky" McMillen  
Presiding Judge  
SUE BELL COBB  
PAMELA W. BASCHAB  
GREG SHAW  
. KELLI WISE  
Judges

JUDICIAL BUILDING, 300 DEXTER AVENUE SE  
P.O. BOX 11555  
MONTGOMERY, AL 36130-1555

May 5th, 2003

Case 3:05-cv-00427-MEF-CSC Document 12-9 Filed 07/19/2005 Page 14 of 48  
Lane W. Mann  
Clerk  
Wanda K. Ivey  
Assistant Clerk  
(334) 242-4590  
FAX (334) 242-4689

RE: CR-02-0739

Jerry Eugene Whitley v. State of Alabama (Appeal from Russell Circuit Court: CC02-186;  
CC02-187; CC02-188).

You are hereby notified that the following action was taken in the above cause by  
the Court of Criminal Appeals:

Additional time is granted to certify the completion of reporter's transcript to  
and including 06/03/2003.

Lane W. Mann, Clerk  
Court of Criminal Appeals

LWM/sm

cc: Honorable George R. Greene, Circuit Judge  
Honorable Kathy S. Coulter, Circuit Clerk  
Linda S. Wilson, Court Reporter  
Honorable J. Michael Williams, Sr., Attorney, Appellant

RECEIVED  
MAY 7 2003  
RUSSELL CO. ALA.



000367

ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000188.00  
 OPER: TIW CASE ACTION SUMMARY  
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 06/05/2003  
 =====  
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000188.00

FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO  
 SSN: 259177161 ALIAS NAMES:

=====

|                            |                                                |
|----------------------------|------------------------------------------------|
| CHARGE01: RESISTING ARREST | CODE01: REST LIT: RESISTING ARRE TYP: M #: 001 |
| OFFENSE DATE: 09/21/2001   | AGENCY/OFFICER: 0570000                        |

|                              |                           |
|------------------------------|---------------------------|
| DATE WAR/CAP ISS: 09/04/2002 | DATE ARRESTED: 09/21/2001 |
| DATE INDICTED: 01/16/2002    | DATE FILED: 01/23/2002    |
| DATE RELEASED:               | DATE HEARING:             |
| BOND AMOUNT: \$1,000.00      | SURETIES:                 |

|                    |            |              |
|--------------------|------------|--------------|
| DATE 1: 01/14/2003 | DESC: SENT | TIME: 1000 A |
| DATE 2: 12/02/2002 | DESC: JTRL | TIME: 0900 A |

TRACKING NOS: GJ 2001 000287 00 / DC 2001 002357 00 / WR 2001 003012 00

|                                 |         |       |
|---------------------------------|---------|-------|
| DEF/ATY: FARRAR LAUREL WHEELING | TYPE: A | TYPE: |
| PO DRAWER 2500                  |         |       |

|             |          |       |
|-------------|----------|-------|
| PHENIX CITY | AL 36868 | 00000 |
|-------------|----------|-------|

PROSECUTOR: LANDREAU BUSTER

=====

|                         |                    |                 |
|-------------------------|--------------------|-----------------|
| OTH CSE: GJ200100028700 | CHK/TICKET NO:     | GRAND JURY: 168 |
| COURT REPORTER:         | SID NO: 0000000000 |                 |
| DEF STATUS: PRISON      | DEMAND:            | OPER: JOS       |

=====

| TRANS DATE | ACTIONS, JUDGEMENTS, AND NOTES                     | OPE |
|------------|----------------------------------------------------|-----|
| 01/23/2002 | SET FOR: ARRAIGNMENT ON 02/20/2002 AT 1000A (AR01) | JOS |
| 02/20/2002 | ***ARRAIGNMENT ORDER***                            | JOS |
| 02/20/2002 | ORDER APPOINTING THE HON. LAUREL FARRAR, DEFENDANT | JOS |
| 02/20/2002 | WAIVES READING OF INDICTMENT AND ENTERS            | JOS |
| 02/20/2002 | A PLEA OF NOT GUILTY.                              | JOS |
| 02/20/2002 | SET FOR: JURY TRIAL ON 05/13/2002 AT 0900A (AR10)  | JOS |
| 02/20/2002 | AFFIDAVIT OF SUBSTANTIAL HARDSHIP                  | JOS |
| 02/22/2002 | MOTION FOR APPROVAL OF EXPENSES                    | JOS |
| 02/22/2002 | REQUEST FOR DISCOVERY                              | JOS |
| 02/27/2002 | ORDER ON DEFENDANT'S REQUEST FOR DISCOVERY         | JOS |
| 02/27/2002 | MOTION FOR CONSOLIDATION OF OFFENSES               | JOS |
| 02/27/2002 | MOTION FOR DISCOVERY BY STATE                      | JOS |
| 02/27/2002 | NOTICE OF COMPLIANCE WITH DISCOVERY REQUEST        | JOS |
| 02/28/2002 | ORDER ON MOTION FOR DISCOVERY BY STATE             | JOS |
| 03/01/2002 | MOTION FOR APPROVAL OF EXPENSES GRANTED            | JOS |
| 03/04/2002 | MOTION FOR REDUCTION OF BOND                       | JOS |
| 03/05/2002 | WRITTEN PLEA OF NOT GUILTY AND WAIVER OF           | JOS |

ACPO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000188.00  
 OPEP: TIW CASE ACTION SUMMARY  
 PAGE: 2 CIRCUIT CRIMINAL PUN DATE: 06/05/2003  
 =====  
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000188.00

FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO  
 SSN: 259177161 ALIAS NAMES:

| TRANS DATE | ACTIONS, JUDGEMENTS, AND NOTES                    | OPE |
|------------|---------------------------------------------------|-----|
| 03/05/2002 | ARRAIGNMENT                                       | JOS |
| 03/06/2002 | MOTION FOR REDUCTION OF BOND DENIED               | JOS |
| 03/13/2002 | PETITION FOR WRIT OF HABEAS CORPUS (BOND REDUCED) | JOS |
| 03/15/2002 | CASE SET ON 04/23/2002                            | JOS |
| 03/15/2002 | NOTICE FLAG SET TO: N                             | JOS |
| 03/18/2002 | ORDER FROM THE COURT OF CRIMINAL APPEALS THAT THE | JOS |
| 03/18/2002 | RESPONDENT IS GRANTED 14 DAYS TO RESPOND TO       | JOS |
| 03/18/2002 | THE ALLEGATIONS CONTAINED IN THIS PETITION FOR    | JOS |
| 03/18/2002 | THE WRIT OF HABEAS CORPUS                         | JOS |
| 03/27/2002 | ORDER REDUCING BOND TO \$1,000.00.                | JOS |
| 04/09/2002 | SET FOR: JURY TRIAL ON 05/13/2002 AT 0900A (AR10) | JOS |
| 04/10/2002 | ORDER OF DISMISSAL OF WRIT OF HABEAS CORPUS FROM  | JOS |
| 04/10/2002 | THE COURT OF CRIMINAL APPEALS                     | JOS |
| 04/15/2002 | (4/9/02) ORDER CONTINUING CASE TO THE MAY 13,     | JOS |
| 04/15/2002 | 2002, TRIAL DOCKET.                               | JOS |
| 04/19/2002 | ADDR1 CHANGED FROM: R.C. JAIL (AR01)              | JOS |
| 04/19/2002 | SURETY ADDED: AAA BONDING CO. (AR01)              | JOS |
| 04/19/2002 | STATUS CHANGED TO: "B" - BOND (AR01)              | JOS |
| 04/19/2002 | DEFENDANT RELEASED FROM JAIL: 04/16/2002 (AR01)   | JOS |
| 04/19/2002 | HOME CITY CHANGED FROM: PHENIX CITY (AR01)        | JOS |
| 04/30/2002 | SET FOR: JURY TRIAL ON 06/24/2002 AT 0900A (AR10) | JOS |
| 05/22/2002 | WITNESS SUBPOENA ISSUED AWP24                     | JOS |
| 05/23/2002 | MOTION FOR JOINDER OF DEFENDANTS FOR TRIAL        | JOS |
| 05/24/2002 | OBJECTION TO CONSOLIDATION                        | JOS |
| 06/13/2002 | MOTION TO SUPPRESS ARREST AND EVIDENCE AND        | JOS |
| 06/13/2002 | SEAPCH WARRANT                                    | JOS |
| 06/13/2002 | MOTION FOR APPOVAL OF EXTRAORDINARY EXPENSES      | JOS |
| 06/13/2002 | MOTION TO PERMIT INDEPENDENT ANALYSIS             | JOS |
| 06/19/2002 | MOTION TO CONTINUE                                | JOS |
| 06/19/2002 | MOTION TO EXCLUDE LABOPATORY REPORT               | JOS |
| 06/19/2002 | MOTION FOR FURTHER ANALYSIS OF ALLEGED CONTROLLED | JOS |

ACPO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000188.00  
 OPER: TIW CASE ACTION SUMMARY  
 PAGE: 3 CIRCUIT CRIMINAL RUN DATE: 06/05/2003  
 =====  
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRC

CITY OF SL0105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000188.00

FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO  
 SSN: 259177161 ALIAS NAMES:

|            |                                                     |     |
|------------|-----------------------------------------------------|-----|
| 06/19/2002 | SUBSTANCE                                           | JOS |
| 06/20/2002 | SET FOR: JURY TRIAL ON 08/05/2002 AT 0900A (AR10)   | JOS |
| 06/21/2002 | (6/19/02) ORDER CONTINUING TRIAL TO AUGUST 5, 2002  | JOS |
| 06/21/2002 | MOTION FOR APPROVAL OF EXTRAORDINARY EXPENSES       | JOS |
| 06/21/2002 | DENIED                                              | JOS |
| 06/25/2002 | MOTION FOR RECONSIDERATION OF DEFENDANT'S MOTION    | JOS |
| 06/25/2002 | FOR APPROVAL OF EXTRAORDINARY EXPENSES DENIED       | JOS |
| 07/11/2002 | WITNESS SUBPOENA ISSUED AWP24                       | JOS |
| 07/29/2002 | SUPPLEMENTAL INFORMATION IN SUPPORT OF DEFEN-       | JOS |
| 07/29/2002 | DANT'S MOTION FOR RECONSIDERATION OF DEFEN-         | JOS |
| 07/29/2002 | DANT'S MOTION FOR APPROVAL OF EXTRAORDINARY         | JOS |
| 07/29/2002 | EXPENSES PURSUANT TO MAY V. STATE                   | JOS |
| 08/05/2002 | (7/29/02) ORDER CONTINUING CASE TO SEPTEMBER 16,    | JOS |
| 08/05/2002 | 2002, TRIAL DOCKET. HEARING ON MOTION TO            | JOS |
| 08/05/2002 | SUPPRESS SET FOR AUGUST 26, 2002, AT 2:00 PM        | JOS |
| 08/05/2002 | MOTION TO CONSOLIDATE GRANTED                       | JOS |
| 08/05/2002 | SET FOR: JURY TRIAL ON 09/16/2002 AT 0900A (AR10)   | JOS |
| 08/05/2002 | SET FOR: MOTION TO SUPPREEES ON 08/26/2002 AT 0200P | JOS |
| 08/16/2002 | OBJECTION TO MOTION TO AMEND ORDER                  | JOS |
| 08/20/2002 | (7/29/02) MOTION TO CONSOLIDATE GRANTED             | JOS |
| 08/23/2002 | DEFENDANT'S MOTION IN LIMINE                        | JOS |
| 08/23/2002 | MOTION TO TRANSPORT (STEVEN MOSESES-LEE CO.)        | JOS |
| 08/23/2002 | ORDER FOR THE RUSSELL COUNTY SHERIFF TO TRANSPORT   | JOS |
| 08/23/2002 | STEVEN MOSESON FROM LEE COUNTY JAIL TO APPEAR       | JOS |
| 08/23/2002 | IN COURTROOM I AT 2:00 P.M. ON AUGUST 26, 2002.     | JOS |
| 08/28/2002 | DEFENDANT'S SECOND MOTION TO CONTINUE               | JOS |
| 08/28/2002 | MOTION TO SUPPRESS DENIED                           | JOS |
| 09/04/2002 | ALIAS WARRANT ISSUED: 09/04/2002 (AR08)             | JOS |
| 09/04/2002 | ALIAS WRIT EXECUTED BY PLACING DEFENDANT IN JAIL    | JOS |
| 09/04/2002 | MOTION TO SET ASIDE WRIT OF ARREST AND WITHDRAW     | JOS |
| 09/04/2002 | REVOCATION OF BOND                                  | JOS |
| 09/05/2002 | AMENDMENT TO MOTION TO SET ASIDE WRIT OF ARPEST     | JOS |

ACPO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000188.00  
 OPER: TIW CASE ACTION SUMMARY  
 PAGE: 4 CIRCUIT CRIMINAL RUN DATE: 06/05/2003  
 =====  
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000188.00

FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO  
 SSN: 259177161 ALIAS NAMES:

|            |                                                   |     |
|------------|---------------------------------------------------|-----|
| 09/05/2002 | AND WITHDRAW REVOCATION OF BOND                   | JOS |
| 09/05/2002 | WITNESS SUBPOENA ISSUED AWP24                     | JOS |
| 09/13/2002 | (9/04/02) UPON FAILURE OF DEFENDANT TO APPEAR IN  | JOS |
| 09/13/2002 | COURT, PRELIMINARY FORFEITURE AND ALIAS           | JOS |
| 09/13/2002 | ORDERED. ORIGINAL BOND AMOUNTS REINSTATED,        | JOS |
| 09/13/2002 | CASE CONTINUED TO THE OCTOBER 28, 2002, TRIAL     | JOS |
| 09/13/2002 | DOCKET.                                           | JOS |
| 09/16/2002 | SET FOR: JURY TRIAL ON 10/28/2002 AT 0900A (AR10) | JOS |
| 09/19/2002 | PETITION FOR WRIT OF HABEAS CORPUS                | JOS |
| 09/23/2002 | MOTION TO COMPEL COMPLIANCE WITH THE COURT'S      | JOS |
| 09/23/2002 | ORDER FOR TRANSPORT OF SAMPLES FOR INDEPENDENT    | JOS |
| 09/23/2002 | ANALYSIS                                          | JOS |
| 09/26/2002 | RESPONSE TO MOTION TO COMPEL                      | JOS |
| 10/01/2002 | REPLY TO RESPONES TO MOTION TO COMPEL             | JOS |
| 10/09/2002 | WITNESS SUBPOENA ISSUED AWP24                     | JOS |
| 10/09/2002 | ORDER SETTING HEARING ON MOTION TO SET ASIDE WRIT | JOS |
| 10/09/2002 | OF ARREST AND WITHDRAW REVOCATION OF BOND AND     | JOS |
| 10/09/2002 | MOTION IN LIMINE FOR OCTOBER 23, 2002, AT         | JOS |
| 10/09/2002 | 3:00 P.M.                                         | JOS |
| 10/10/2002 | MOTION TO COMPEL DENIED                           | JOS |
| 10/10/2002 | ORDER SETTING HEARING ON WRIT OF HABEAS CORPUS    | JOS |
| 10/10/2002 | FOR OCTOBER 23, 2002, AT 3:00 P.M.                | JOS |
| 10/11/2002 | MOTION TO CONTINUE                                | JOS |
| 10/16/2002 | SET FOR: JURY TRIAL ON 12/02/2002 AT 0900A (AR10) | JOS |
| 10/17/2002 | ORDER CONTINUING TRIAL TO DECEMBER 2, 2002,       | JOS |
| 10/17/2002 | MOTIONS HEARING SET FOR OCTOBER 23, 2002, AT      | JOS |
| 10/17/2002 | 3:00 P.M.                                         | JOS |
| 10/24/2002 | (10/23/02) MOTION TO REDUCE BOND DENIED. MOTION   | JOS |
| 10/24/2002 | IN LIMINE GRANTED AS TO PHOTOGRAPHS OF CO-        | JOS |
| 10/24/2002 | DEFENDANTS AND DENIED AS TO VIDEOTAPE INVOLVING   | JOS |
| 10/24/2002 | DEFENDANTS AND CO-DEFENDANTS. THE COUPT           | JOS |
| 10/24/2002 | RESERVES RULING ON MOTION IN LIMINE AS TO         | JOS |

ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000188.00  
 OPER: TIW CASE ACTION SUMMARY  
 PAGE: 5 CIRCUIT CRIMINAL RUN DATE: 06/05/2003  
 =====  
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000188.00

FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO  
 SSN: 259177161 ALIAS NAMES:

|            |                                                    |     |
|------------|----------------------------------------------------|-----|
| 10/24/2002 | SINGLE PHOTOGRAPH OF DEFENDANT.                    | JOS |
| 10/25/2002 | PETITION FOR WRIT OF HABEAS CORPUS DENIED (BY GRG) | JOS |
| 11/04/2002 | COPY OF ORDER OF DENIAL OF WRIT OF HABEAS CORPUS   | JOS |
| 11/20/2002 | WITNESS SUBPOENA ISSUED AWP24                      | JOS |
| 11/22/2002 | PARTY ADDED W011 STEVEN MOSESON (AW21)             | JOS |
| 11/22/2002 | PARTY W011 ISSUED DATE: 11202002 TYPE: (AW21)      | JOS |
| 11/22/2002 | PARTY ADDED W012 WAYNE MEADOWS (AW21)              | JOS |
| 11/22/2002 | PARTY ADDED W007 WAYNE MEADOWS (AW21)              | JOS |
| 11/22/2002 | WAYNE MEADOWS DELETED W012 (AW21)                  | JOS |
| 11/22/2002 | WITNESS SUBPOENA ISSUED TO W007 WAYNE MEADOWS      | JOS |
| 11/22/2002 | WITNESS SUBPOENA ISSUED TO W011 STEVEN MOSESON     | JOS |
| 12/03/2002 | DEFENDANT'S MOTION TO CONTINUE                     | JOS |
| 12/03/2002 | MOTION FOR APPROVAL OF EXTRAORDINARY EXPENSES      | JOS |
| 12/04/2002 | MOTION IN LIMINE                                   | JOS |
| 12/04/2002 | RESPONSE TO MOTION FOR CONTINUANCE AND MOTION FOR  | JOS |
| 12/04/2002 | EXPENSES                                           | JOS |
| 12/04/2002 | MOTION TO CONTINUE DENIED                          | JOS |
| 12/04/2002 | MOTION FOR APPROVAL OF COURT REPORTER EXPENSES     | JOS |
| 12/05/2002 | STATE'S REQUEST JURY CHARGE #1                     | JOS |
| 12/05/2002 | STATE'S REQUEST JURY CHARGE #2                     | JOS |
| 12/05/2002 | STATE'S REQUEST JURY CHARGE #3                     | JOS |
| 12/05/2002 | STATE'S REQUEST JURY CHARGE #4                     | JOS |
| 12/05/2002 | STATE'S REQUEST JURY CHARGE #5                     | JOS |
| 12/05/2002 | DEFENDANT'S REQUESTED JURY CHARGE #1 CONTRUCTIVE   | JOS |
| 12/05/2002 | POSSESSION                                         | JOS |
| 12/05/2002 | DEFENDANT'S REQUESTED JURY CHARGE #2 ELEMENTS      | JOS |
| 12/05/2002 | OF CONTRUCTIVE POSSESSION                          | JOS |
| 12/05/2002 | DEFENDANT'S REQUESTED JURY CHARGE #3 REQUIREMENT   | JOS |
| 12/05/2002 | OF PROOF OF POSSESSION                             | JOS |
| 12/05/2002 | ***GUILTY VERDICT***                               | JOS |
| 12/05/2002 | ***VERDICT***                                      | JOS |
| 12/05/2002 | NOW COMES THE JURY AND RETURNS ITS UNANIMOUS       | JOS |



ACPO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000188.00  
 OPER: TIW CASE ACTION SUMMARY  
 PAGE: 6 CIRCUIT CRIMINAL RUN DATE: 06/05/2003  
 =====  
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000188.00

FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO  
 SSN: 259177161 ALIAS NAMES:

|            |                                                    |     |
|------------|----------------------------------------------------|-----|
| 12/05/2002 | VERDICT AS FOLLOWS: "WE, THE JURY, FIND THE        | JOS |
| 12/05/2002 | DEFENDANT, JERRY E. WHITLEY, GUILTY OF THE         | JOS |
| 12/05/2002 | OFFENSE OF RESISTING APREST, AS CHARGED IN THE     | JOS |
| 12/05/2002 | INDICTMENT. DATE: DECEMBER 5, 2002, NICOLE         | JOS |
| 12/05/2002 | GIBBS, FOREPERSON. THE DEFENDANT IS REMANDED       | JOS |
| 12/05/2002 | REMANDED TO THE CUSTODY OF THE SHERIFF, SENTEN-    | JOS |
| 12/05/2002 | CING SET FOR JANUARY 14, 2003, AT 10:00 A.M.       | JOS |
| 12/09/2002 | MOTION FOR APPROVAL OF EXPENSES APPROVED OF THE    | JOS |
| 12/09/2002 | SUM OF \$400.00                                    | JOS |
| 12/09/2002 | MOTION OF EXTRAORDINARY EXPENSES DENIED            | JOS |
| 12/09/2002 | MOTION IN LIMINE DENIED IN PART AND GRANTED IN     | JOS |
| 12/09/2002 | PART IN OPEN COURT                                 | JOS |
| 12/09/2002 | DISPOSITION JUDGE ID CHANGED FROM: TO: GRG         | JOS |
| 12/09/2002 | SET FOR: SENTENCING DKT/HE ON 01/14/2003 AT 1000A  | JOS |
| 12/09/2002 | CHARGE 01: RESISTING ARREST/#CNTS: 001 (AR10)      | JOS |
| 12/09/2002 | CHARGE 01 DISPOSED BY: CONVICTED ON: 12/05/2002    | JOS |
| 01/14/2003 | ***SENTENCING ORDER***                             | JOS |
| 01/14/2003 | ORDER SENTENCING DEFENDANT TO 6 MONTHS HARD LABOR, | JOS |
| 01/14/2003 | CREDIT FOR TIME SERVED, TO RUN CONSECUTIVE TO      | JOS |
| 01/14/2003 | CC-2002-186 & 187, COSTS, \$100.00 VCF, \$10.00    | JOS |
| 01/14/2003 | PER DAY INCARCERATION FEES AND ATTORNEY'S FEES.    | JOS |
| 01/14/2003 | THE PAYMENT OF MONIES SHALL BE A CONDITION OF      | JOS |
| 01/14/2003 | PAROLE, EARLY RELEASE, SIR OR WORK RELEASE.        | JOS |
| 01/14/2003 | *****ORAL NOTICE OF APPEAL*****                    | JOS |
| 01/14/2003 | NOTICE OF APPEAL AND MOTION TO APPOINT APPELLATE   | JOS |
| 01/14/2003 | COUNSEL                                            | JOS |
| 01/14/2003 | CASE APPEALED ON: 01/14/2003 (AR10)                | JOS |
| 01/14/2003 | APPEAL "TO" TYPE: "O" (AR10)                       | JOS |
| 01/16/2003 | CASE ACTION SUMMARY PRINTED (AR08)                 | JOS |
| 01/17/2003 | APPEAL DATE CHANGED FROM: 00/00/0000 (AR11)        | TIW |
| 01/17/2003 | APPEAL TYPE CHANGED FROM: (AR11)                   | TIW |
| 01/17/2003 | INDTRL TYPE CHANGED FROM: (AR11)                   | TIW |



ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000188.00  
 OPER: TIW CASE ACTION SUMMARY  
 PAGE: 7 CIRCUIT CRIMINAL RUN DATE: 06/05/2003  
 =====  
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214

VS

WHITLEY JERRY EUGENE

CASE: CC 2002 000188.00

FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO  
 SSN: 259177161 ALIAS NAMES:

|            |                                                   |        |     |
|------------|---------------------------------------------------|--------|-----|
| 01/17/2003 | ATYW TYPE CHANGED FROM:                           | (AR11) | TIW |
| 01/17/2003 | IRA TYPE CHANGED FROM:                            | (AR11) | TIW |
| 01/17/2003 | COURT REPORTER 1 CHANGED FROM:                    | (AR11) | TIW |
| 01/17/2003 | PROSECUTOR CHANGED FROM:                          | (AR11) | TIW |
| 01/17/2003 | ATTY 1 CHANGED FROM:                              | (AR11) | TIW |
| 01/17/2003 | ATTY 1 TYPE CHANGED FROM:                         | (AR11) | TIW |
| 01/17/2003 | IRA TYPE CHANGED FROM: Y                          | (AR11) | SHG |
| 01/17/2003 | APPEAL TYPE CHANGED FROM: O                       | (AR11) | SHG |
| 01/20/2003 | MOTION TO WITHDRAW TRIAL COUNSEL AND APPOINT      |        | SHG |
| 01/20/2003 | COUNSEL ON APPEAL                                 |        | SHG |
| 01/20/2003 | MOTION FOR DESIGNATION OF INDIGENCY TO PROCEED ON |        | SHG |
| 01/20/2003 | APPEAL IN FORMA PAUPERIS                          |        | SHG |
| 01/20/2003 | CHECK OUT TO GRG                                  |        | SHG |
| 01/21/2003 | PAYMENT TERMS NOTICE MAILED 01/22/2003            |        | AOC |
| 01/21/2003 | MOTION CODE 1 CHANGED FROM:                       | (AR11) | SHG |
| 01/21/2003 | MOTION FILE DATE 1 CHANGED FROM: 00/00/0000       | (AR11) | SHG |
| 01/23/2003 | DOCKETING STATEMENT                               |        | SHG |
| 01/23/2003 | REPORTER'S TRANSCRIPT ORDER                       |        | SHG |
| 01/24/2003 | AFFIDAVIT OF SUBSTANTIAL HARDSHIP                 |        | SHG |
| 01/27/2003 | CHECK OUT TO GRG W/COPY                           |        | SHG |
| 02/18/2003 | NOTICE OF APPEARANCE BY HON MICHAEL WILLIAMS, SR  |        | TIW |
| 02/18/2003 | REPORTER'S TRANSCRIPT ORDER                       |        | TIW |
| 02/24/2003 | MOTION ACTION 1 CHANGED FROM:                     | (AR11) | SHG |
| 02/24/2003 | MOTION ACTION DATE 1 CHANGED FROM: 00/00/0000     |        | SHG |
| 02/24/2003 | ATTY 1 CHANGED FROM: FAR036                       | (AR11) | SHG |
| 02/24/2003 | ATYW TYPE CHANGED FROM: N                         | (AR11) | TIW |
| 02/24/2003 | IRA TYPE CHANGED FROM: N                          | (AR11) | TIW |
| 02/24/2003 | ORDER DESIGNATING INDEGENCY TO PROCEED ON APPEAL  |        | TIW |
| 02/24/2003 | IN FORMA PAUPERIS                                 |        | TIW |
| 02/24/2003 | ORDER GRANTING MOTION TO WITHDRAW AND APPOINTING  |        | TIW |
| 02/24/2003 | COUNSEL ON APPEAL                                 |        | TIW |
| 02/27/2003 | ORDER RECALLING DEFENDANT'S MOTION TO PROCEED ON  |        | TIW |

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ACPO370          ALABAMA JUDICIAL INFORMATION SYSTEM      CASE: CC 2002 000188.00
OPER: TIW                CASE ACTION SUMMARY
PAGE: 8                CIRCUIT CRIMINAL                      RUN DATE: 06/05/2003
=====
IN THE CIRCUIT COURT OF RUSSELL                                JUDGE: GRG

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CITY OF SL0105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000188.00

FORTSON, GA 31808 0000

DOB: 09/20/1965                      SEX: M   RACE: W   HT: 5 06   WT: 145   HR: BRO EYES: BRO  
SSN: 259177161   ALIAS NAMES:

|            |                                                    |     |
|------------|----------------------------------------------------|-----|
| 02/27/2003 | APPEAL IN FORMA PAUPERIS AND APPOINTMENT OF        | TIW |
| 02/27/2003 | ATTORNEY                                           | TIW |
| 02/28/2003 | IRA TYPE CHANGED FROM: Y (AR11)                    | TIW |
| 02/28/2003 | ATTY 1 CHANGED FROM: FLO017 (AR11)                 | TIW |
| 02/28/2003 | ATTY 1 TYPE CHANGED FROM: A (AR11)                 | TIW |
| 03/11/2003 | MOTION FOR LOCAL EXTENSION OF TIME TO COMPLETE THE | TIW |
| 03/11/2003 | REPORTER'S TRANSCRIPT                              | TIW |
| 03/11/2003 | ATTORNEY'S FEES (\$10,538.64)                      | JOS |
| 03/13/2003 | ORDER GRANTING ADDITIONAL TIME FOR COMPLETION OF   | TIW |
| 03/13/2003 | REPORTER'S TRANSCRIPT                              | TIW |
| 04/08/2003 | MOTION TO COURT OF CRIMINAL APPEALS FOR EXTENSION  | TIW |
| 04/08/2003 | OF TIME TO FILE TRANSCRIPT                         | TIW |
| 04/10/2003 | ORDER GRANTING EXTENSION OF TIME TO FILE           | TIW |
| 04/10/2003 | REPORTER'S TRANSCRIPT                              | TIW |
| 04/14/2003 | PAYMENT DELINQUENT NOTICE MAILED ON 04/15/2003     | AOC |
| 04/17/2003 | ADDR1 CHANGED FROM: 150 REYNOLDS ROAD (AR01)       | JOS |
| 04/17/2003 | STATUS CHANGED TO: "P" - PRISON (AR01)             | JOS |
| 05/05/2003 | MOTION TO COURT OF CRIMINAL APPEALS FOR EXTENSION  | TIW |
| 05/05/2003 | OF TIME TO FILE TRANSCRIPT                         | TIW |
| 05/07/2003 | ORDER GRANTING MOTION FOR EXTENSION OF TIME TO     | TIW |
| 05/07/2003 | FILE TRANSCRIPT                                    | TIW |
| 05/07/2003 | AMENDED ATTORNEY'S FEES (\$1,934.26)               | JOS |
| 06/05/2003 | CERTIFICATE OF COMPLETION AND TRANSMITTAL OF       | TIW |
| 06/05/2003 | RECORD ON APPEAL BY TRIAL CLERK                    | TIW |
| 06/05/2003 | CASE ACTION SUMMARY PRINTED (AR08)                 | TIW |

IDENTIFICATION

ARREST

VEHICLE

JUVENILE

RELEASE

|                                                                                                                                                                                                                                                                             |             |                                                                                    |                |                                                                                             |                              |                                                                                                                                                                             |                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|------------------------------------------------------------------------------------|----------------|---------------------------------------------------------------------------------------------|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 1 ORI #<br>0570000                                                                                                                                                                                                                                                          |             | 2 AGENCY NAME<br>METRO                                                             |                | 3 CASE #<br>SL0105214                                                                       |                              | 4 SFX                                                                                                                                                                       |                       |
| 5 LAST, FIRST, MIDDLE NAME<br>Whitley, Jerry Eugene                                                                                                                                                                                                                         |             |                                                                                    |                | 6 ALIAS AKA                                                                                 |                              |                                                                                                                                                                             |                       |
| 7 SEX<br>M                                                                                                                                                                                                                                                                  | 8 RACE<br>W | 9 HGT.<br>5'6"                                                                     | 10 WGT.<br>145 | 11 EYE<br>BRO                                                                               | 12 HAIR<br>BRO               | 13 SKIN                                                                                                                                                                     | 14                    |
| 15 PLACE OF BIRTH (CITY, COUNTY, STATE)<br>Columbia, GA                                                                                                                                                                                                                     |             |                                                                                    |                | 16 SSN<br>2591-1171-171161                                                                  | 17 DATE OF BIRTH<br>09/20/65 | 18 AGE<br>35                                                                                                                                                                | 19 MISCELLANEOUS ID # |
| 20 SID #                                                                                                                                                                                                                                                                    |             | 21 FINGERPRINT CLASS<br>KEY MAJOR PRIMARY 3CDV SUB-SECONDARY FINAL                 |                |                                                                                             |                              | 22 DL #<br>021391837                                                                                                                                                        | 23 ST<br>GA           |
| 24 FBI #                                                                                                                                                                                                                                                                    |             | 25 HENRY CLASS<br>NCIC CLASS                                                       |                |                                                                                             |                              | 26 IDENTIFICATION COMMENTS                                                                                                                                                  |                       |
| 27 RESIDENT<br>NON-RESIDENT                                                                                                                                                                                                                                                 |             | 28 HOME ADDRESS (STREET, CITY, STATE, ZIP)<br>Rusk Dr. Phenix City, AL             |                |                                                                                             |                              | 29 RESIDENCE PHONE                                                                                                                                                          |                       |
| 30 EMPLOYER (NAME OF COMPANY/SCHOOL)<br>None                                                                                                                                                                                                                                |             | 31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)                                     |                |                                                                                             |                              | 32 BUSINESS PHONE                                                                                                                                                           |                       |
| 33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP)<br>Rusk Dr. Phenix City, AL                                                                                                                                                                                                |             | 34 SECTOR #                                                                        |                | 35 ARRESTED FOR YOUR JURISDICTION? <input type="checkbox"/> YES <input type="checkbox"/> NO |                              | 36                                                                                                                                                                          |                       |
| 37 CONDITION OF ARRESTEE<br><input type="checkbox"/> DRUNK <input type="checkbox"/> SOBER <input checked="" type="checkbox"/> DRUGS                                                                                                                                         |             | 38 INJURIES<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |                | 39 ARMED?<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO            |                              | 40 DESCRIPTION OF WEAPON<br><input type="checkbox"/> HANDGUN <input type="checkbox"/> OTHER FIREARM<br><input type="checkbox"/> RIFLE <input type="checkbox"/> OTHER WEAPON |                       |
| 41 DATE OF ARREST<br>09/20/01                                                                                                                                                                                                                                               |             | 42 TIME OF ARREST<br>17:30                                                         |                | 43 DAY OF ARREST<br>S M T W T S S                                                           |                              | 44 TYPE ARREST<br><input checked="" type="checkbox"/> ON VIEW <input type="checkbox"/> CALL <input type="checkbox"/> WARRANT                                                |                       |
| 45 CHARGE-1<br>Possession of a Controlled Substance                                                                                                                                                                                                                         |             | 46 UCR CODE<br>3599                                                                |                | 47 CHARGE-2<br>Manufacturing a Controlled Substance                                         |                              | 48 UCR CODE<br>2599                                                                                                                                                         |                       |
| 49 STATE CODE/LOCAL ORDINANCE<br>13A-12-212                                                                                                                                                                                                                                 |             | 50 WARRANT #                                                                       |                | 51 DATE ISSUED<br>M D Y<br>13A-12-211                                                       |                              | 52 UCR CODE                                                                                                                                                                 |                       |
| 53 CHARGE-3<br>Resisting arrest                                                                                                                                                                                                                                             |             | 54 UCR CODE<br>4801                                                                |                | 55 STATE CODE/LOCAL ORDINANCE                                                               |                              | 56 WARRANT #                                                                                                                                                                |                       |
| 57 DATE ISSUED<br>M D Y<br>13A-10-41                                                                                                                                                                                                                                        |             | 58 CHARGE-4<br>FEL MISD                                                            |                | 59 UCR CODE                                                                                 |                              | 60 DATE ISSUED<br>M D Y                                                                                                                                                     |                       |
| 61 ARREST DISPOSITION<br><input type="checkbox"/> HELD <input type="checkbox"/> TOT-LE <input type="checkbox"/> BAIL <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> RELEASED                                                                            |             | 62 IF OUT ON RELEASE<br>WHAT TYPE?                                                 |                | 63 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)                                                 |                              | 64 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)                                                                                                                                 |                       |
| 65 VYK                                                                                                                                                                                                                                                                      |             | 66 VMA                                                                             |                | 67 VMO                                                                                      |                              | 68 VST                                                                                                                                                                      |                       |
| 69 YCO TOP                                                                                                                                                                                                                                                                  |             | 70 YCO BOTTOM                                                                      |                | 71 TAG #                                                                                    |                              | 72 LIS                                                                                                                                                                      |                       |
| 73 VIN                                                                                                                                                                                                                                                                      |             | 74 IMPOUNDED?<br><input type="checkbox"/> YES <input type="checkbox"/> NO          |                | 75 STORAGE LOCATION/IMPOUND #                                                               |                              | 76 LIY                                                                                                                                                                      |                       |
| 77 OTHER EVIDENCE SEIZED/PROPERTY SEIZED                                                                                                                                                                                                                                    |             | 78                                                                                 |                | 79                                                                                          |                              | 80                                                                                                                                                                          |                       |
| 81 JUVENILE<br>DISPOSITION: <input type="checkbox"/> HANDLED AND RELEASED <input type="checkbox"/> REF. TO WELFARE AGENCY <input type="checkbox"/> REF. TO ADULT COURT <input type="checkbox"/> REF. TO JUVENILE COURT <input type="checkbox"/> REF. TO OTHER POLICE AGENCY |             | 82 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)                                   |                | 83 ADDRESS (STREET, CITY, STATE, ZIP)                                                       |                              | 84 PHONE<br>( )                                                                                                                                                             |                       |
| 85 PARENTS EMPLOYER                                                                                                                                                                                                                                                         |             | 86 OCCUPATION                                                                      |                | 87 ADDRESS (STREET, CITY, STATE, ZIP)                                                       |                              | 88 PHONE<br>( )                                                                                                                                                             |                       |
| 89 DATE AND TIME OF RELEASE<br>09/20/01 18:30                                                                                                                                                                                                                               |             | 90 RELEASING OFFICER NAME<br>Jail                                                  |                | 91 AGENCY/DIVISION                                                                          |                              | 92 ID #                                                                                                                                                                     |                       |
| 93 RELEASED TO:<br>Russell Co. S.O.                                                                                                                                                                                                                                         |             | 94 AGENCY/DIVISION                                                                 |                | 95 AGENCY ADDRESS                                                                           |                              | 96                                                                                                                                                                          |                       |
| 97 PERSONAL PROPERTY RELEASED TO ARRESTEE<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> PARTIAL                                                                                                                           |             | 98 PROPERTY NOT RELEASED/HELD AT:                                                  |                | 99                                                                                          |                              | 100                                                                                                                                                                         |                       |
| 101 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE)<br>Subject was arrested for poss. of Meth, and Resisting arrest.<br>Meth - 7 grams, \$700.00 Street Value: Meth Lab                                                                                                      |             |                                                                                    |                |                                                                                             |                              |                                                                                                                                                                             |                       |
| 102 SIGNATURE OF RECEIVING OFFICER<br>J. Whitten                                                                                                                                                                                                                            |             | 103 SIGNATURE OF RELEASING OFFICER<br>J. Price                                     |                | 104                                                                                         |                              | 105                                                                                                                                                                         |                       |
| 106 CASE #                                                                                                                                                                                                                                                                  |             | 107 SFX                                                                            |                | 108 CASE #                                                                                  |                              | 109                                                                                                                                                                         |                       |
| 110 ARRESTING OFFICER (LAST, FIRST, M.)<br>J. Whitten                                                                                                                                                                                                                       |             | 111 ARRESTING OFFICER (LAST, FIRST, M.)<br>J. Price                                |                | 112 ID #                                                                                    |                              | 113 ID #                                                                                                                                                                    |                       |

TYPE OR PRINT IN BLACK INK ONLY

A TRUE BILL, presented to the judge Presiding in open Court by the Foreperson of this Grand Jury, and filed in open court this 16<sup>th</sup> day of Jan, 2002.

GR Johnson  
Grand Jury Foreman

Kathy Coulter  
Clerk of the Circuit Court  
of Russell County  
Twenty-Sixth Judicial Circuit

CC-02-188

## INDICTMENT

THE STATE OF ALABAMA

vs.

JERRY E. WHITLEY

SID: AL01228937

alias

None Reported

### CHARGES:

1. RESISTING ARREST

### SECTION

Bail fixed at \$ 1000 this 16 day of Jan, 2002.

[Signature]  
Judge Presiding

THE STATE OF ALABAMA  
RUSSELL COUNTY

121

CIRCUIT COURT  
2002

Prosecutor: BUSTER LANDREAU

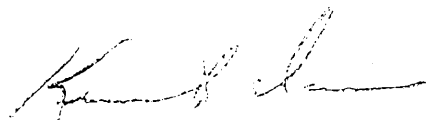
KENNETH DAVIS  
DISTRICT ATTORNEY  
TWENTY-SIXTH JUDICIAL

THE STATE OF ALABAMA, RUSSELL COUNTY  
CIRCUIT COURT - TWENTY-SIXTH JUDICIAL CIRCUIT

---

COUNT 1

The Grand Jury of said county charge that, before the finding of this indictment, JERRY E. WHITLEY, whose name is otherwise unknown to the Grand Jury, did on or about SEPTEMBER 21, 2001 intentionally prevent, or attempt to prevent AGENTS WHITTEN, PRICE, MEMMO AND SPEAR from affecting a lawful arrest of himself, in violation of Section 13A-10-41 of the Code of Alabama,



KENNETH DAVIS  
District Attorney  
Twenty-Sixth Judicial Circuit

WITNESSES:

SHERWIN BOSWELL., P. O. BOX 3510, AUBURN, AL 36831

AGENT MEMMO, METRO NARCOTICS, P.O. BOX 1866, COLUMBUS, GA 31902

SGT. J. PRICE, METRO, COLUMBUS, GA 31901

AGENT R. SPEAR, METRO, COLUMBUS, GA 31901

AGENT JASON WHITTEN, METRO NARCOTICS TASK FORCE, P.O. BOX 1866, COLUMBUS, GA 31902

TO ANY LAW ENFORCEMENT OFFICER OF THE STATE OF ALABAMA: CC-02-188  
AN INDICTMENT HAS BEEN RETURNED BY THE GRAND JURY OF RUSSELL COUNTY  
AGAINST WHITLEY JERRY EUGENE  
R.C. JAIL

PHENIX CITY AL 36867-0000

CHARGING THE OFFENSE OF:

RESISTING ARREST

13A-010-041

CNTS: 1

YOU ARE THEREFORE ORDERED TO ARREST THE PERSON NAMED ABOVE AND BRING THAT  
PERSON BEFORE A JUDGE OR MAGISTRATE OF THIS COURT TO ANSWER THE CHARGES  
AGAINST THAT PERSON AND HAVE WITH YOU THEN AND THERE THE WARRANT OF ARREST  
WITH YOUR RETURN THEREON. IF A JUDGE OF MAGISTRATE OF THIS COURT IS  
UNAVAILABLE, OR IF THE ARREST IS MADE IN ANOTHER COUNTY, YOU SHALL TAKE  
THE ACCUSED PERSON BEFORE THE NEAREST OR MOST ACCESSIBLE JUDGE OF  
MAGISTRATE IN THE COUNTY OF ARREST.

BOND SET AT: \$1,000.00

DATE ISSUED: 01/17/2002

CLERK

BY JBS

EXECUTED THIS 18 DAY OF January, 2002, BY  
ARRESTING THE WITHIN NAMED DEFENDANT Jerry Eugene Whitley

LAW ENFORCEMENT OFFICER

BY:

DEFENDANT'S FEATURES:

HT: 5'06" HAIR: BRO DOB: 09/20/1965

WT: 145 SEX: M EYE: BRO RACE: W  
SSN: 259177161

ADDTL COMMENTS:

01/17/2002 JDS



\*OPTIONAL

Form C-10 Page 2 of 2 Rev. 2/95

## AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER

Monthly Expenses: (cont'd page 1)

Credit Card Payment(s)  
Educational/Employment Expenses  
Other Expenses (be specific) \_\_\_\_\_

Sub-Total

B. Child Support Payment(s)/Alimony

Sub-Total

C. Exceptional Expenses

TOTAL MONTHLY EXPENSES (add subtotals from A &amp; B monthly only)

A \$ \_\_\_\_\_

B \$ \_\_\_\_\_

\$ \_\_\_\_\_

Total Gross Monthly Income Less total monthly expenses:

DISPOSABLE MONTHLY INCOME

\$ \_\_\_\_\_

## 4. LIQUID ASSETS:

Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit)

Equity in Real Estate (value of property less what you owe)

Equity in Personal Property, etc: (such as the value of motor vehicles, stereo, VCR, furnishing, jewelry, tools, guns, less what you owe)

Other (be specific)

Do you own anything else of value? ☐ Yes ☐ No  
(land, house, boat, TV, stereo, jewelry)

If so, describe \_\_\_\_\_

TOTAL LIQUID ASSETS

\$ \_\_\_\_\_

\$ \_\_\_\_\_

## 5. Affidavit/Request

I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

5th day of March, 2002

[Signature]  
Judge/Clerk/Notary

Affiant's Signature

Print or Type Name

## ORDER OF COURT

## SECTION II.

IT IS THEREFORE, ORDERED, AND ADJUDGED BY THE COURT AS FOLLOWS:

☐ Affiant is not indigent and request is DENIED.☒ Affiant is partially indigent and able to contribute monetarily toward his/her defense; therefore defendant is ordered to pay \$ \_\_\_\_\_ toward the anticipated cost of appointed counsel. Said amount is to be paid to the clerk of court or as otherwise ordered and disbursed as follows: Must reimburse \$ 0.00 for all legal fees☐ Affiant is indigent and request is GRANTED.☐ The prepayment of docket fees is waived.IT IS FURTHER ORDERED AND ADJUDGED that L. Fama is hereby appointed as counsel to represent affiant.

IT IS FURTHER ORDERED AND ADJUDGED that the court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the court and paid to the appointed counsel, and costs of court.

Done this 20th day of Feb, 02.Judge [Signature]

STATE OF ALABAMA  
PLAINTIFF,

VS.

Gerry E. Whitley  
DEFENDANT.

) IN THE CIRCUIT COURT OF  
) RUSSELL COUNTY, ALABAMA  
) CASE NO.: CC 02-188  
)  
)  
)  
)

ARRAIGNMENT ORDER

Defendant appeared in open court on this date at which time:

— The defendant advised the Court that he/she had retained \_\_\_\_\_, Attorney at law, to represent him/her in these proceedings.

✓ The defendant advised the Court that he/she was indigent and unable to employ counsel to represent him/her in these proceedings. The Court appointed Laurel Farra an experienced and competent attorney, to represent him/her in these proceedings.

— Arraignment is continued to \_\_\_\_\_ at \_\_\_\_\_ A.M.

— The defendant applied for youthful offender status. Ruling on said application was set for March 12, 2002 at 2:00 P.M.

✓ The defendant filed a written waiver or waived the reading of the indictment and entered a plea of not guilty to the offense charged therein.

— The Court ordered an alias writ and preliminary forfeiture for the defendant's failure to appear in Court.

✓ Plea deadline and docket call are set for April 9, 2002 at 10:00 A.M.

✓ This case is scheduled for trial docket of May 13, 2002.

— The defendant shall pay the sum of \$ \_\_\_\_\_ per week/month towards his/her attorney's fees. Payments to begin \_\_\_\_\_.

DONE this the 20<sup>th</sup> day of February, 2002.

George P. [Signature]  
JUDGE, CIRCUIT COURT

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,  
Plaintiff,

vs.

JERRY E. WHITLEY,  
Defendant.CRIMINAL CASE NUMBER  
CC-02-186-188MOTION FOR APPROVAL OF EXPENSES

Comes now JERRY E. WHITLEY, defendant in the above-stated matter, and respectfully shows the Court as follows:

1. Laurel W. Farrar was appointed by the Court on February 20, 2002, to represent the defendant in this matter.
2. The Alabama Court of Criminal Appeals held in *May v. State* that office overhead expenses constitute "expenses reasonably incurred" and are, therefore, reimbursable under Code of Alabama 1975, §15-12-21. Under *Ex Parte Barksdale*, 680 So.2d 1029 (1996), office overhead expenses must be approved by the Trial Court prior to being incurred. In the alternative, under the provisions of said Code Section 15-12-21(d), the Trial Court has the discretion to approve such expenses.
3. Laurel W. Farrar's employer, Ezell & Chancey, LLP, has informed her that her portion of the office overhead is estimated to be \$80,000.00 per year.

**WHEREFORE**, movant moves this Court to approve payment of office overhead expenses to Laurel W. Farrar in the amount of \$38.46 per hour (\$80,000.00 ÷ 2080).

EZELL &amp; CHANCEY, LLP

By: 

Laurel W. Farrar

Attorneys for Defendant

P. O. Drawer 2500

Phenix City, AL 36868-2500

(334) 297-2400

Attorney Code FAR-036

FILED IN OFFICE  
2002 FEB 22 PM 3:31  
CIRCUIT / DIST. COURT  
RUSSELL CO., AL.

## IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,  
Plaintiff,CRIMINAL CASE NUMBER  
CC-02-186-188

vs.

JERRY E. WHITLEY,  
Defendant.REQUEST FOR DISCOVERY

Comes now the defendant in the above-styled cause, by and through defendant's attorney of record, and pursuant to Rules 16.1 and 16.3 of the Alabama Rules of Criminal Procedure requests the Russell County District Attorney to provide the following-described discovery:

1. To permit the defendant to inspect, examine and copy any written or recorded statements made by the defendant to any law enforcement officer, official or employee which are in the possession, custody or control of the State and/or the existence of which is known to the District Attorney.
2. To disclose the substance of any oral statements made by the defendant before or after arrest to any law enforcement officer, official or employee which the State intends to offer in evidence at the trial of the defendant.
3. To permit the defendant to inspect and copy any written or recorded statement which the State of Alabama intends to offer into evidence at the trial of any co-defendant or accomplice, whether charged or indicted or not, which are in the possession, custody or control of the State of Alabama, the existence of which is known to the District Attorney.
4. To disclose any "deal," "settlement," "agreement," "bargain" or "arrangement" not to prosecute or for a reduced or lesser charge or offense which the State of Alabama has reached or concluded with any accomplice or co-defendant, whether charged or indicted or not.

FILED IN OFFICE  
2002 FEB 22 PM 3:30  
CIRCUIT / DIST. COURT  
RUSSELL CO., ALA.

5. To disclose to the defendant any written or oral statement made by a co-defendant or accomplice, either before or after arrest, to any law enforcement officer, official or employee which the State of Alabama intends to offer as evidence in this cause.

6. To permit the defendant to analyze, inspect and copy or photograph books, papers, documents, photographs, tangible objects, controlled substances or portion of any of these things which are in the possession, custody or control of the State and:

- a. which are material to the preparation of the defendant's defense;
- b. which are intended for use by the State as evidence at the trial of the defendant; or
- c. which were obtained from or belonged to the defendant.

7. To disclose to and provide the defendant with any and all exculpatory evidence known to the District Attorney and in the possession, custody and control of the State of Alabama.

8. To permit the Defendant to inspect and copy any results or reports of physical and mental examinations or scientific tests, experiments or analyses made in connection with this particular case and the results or reports, whether written or oral, and whether the results or reports are in the possession, custody or control of the State and/or the existence of which is known to the District Attorney or the State of Alabama or any of its agencies, officers, agents or employees.

9. To furnish to the defendant copies of any and all medical documents, x-rays, emergency room, hospital, paramedical, physician's or nurse's notes, reports, writings, opinions, test results or other like or similar documents known to the District Attorney and which the District Attorney intends to offer into evidence in the trial of this cause.



000385

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,  
Plaintiff,

CRIMINAL CASE NUMBER  
CC-02-186-188

vs.

JERRY E. WHITLEY,  
Defendant.

## ORDER ON DEFENDANT'S REQUEST FOR DISCOVERY

Defendant's Request for Discovery having been filed in the above-styled cause pursuant to Rule 16 of the Alabama Rules of Criminal Procedure, the District Attorney of Russell County, Alabama is hereby ordered to produce and disclose information and materials discoverable under the authority of *Brady v. Maryland* and Rule 16 of the Alabama Rules of Criminal Procedure.

SO ORDERED, this 20<sup>th</sup> day of February, 2002.

Honorable George Greene  
Judge, Russell County Circuit Court

FILED IN OFFICE  
2002 FEB 26 PM 2:33  
CLERK OF DIST. COURT  
RUSSELL CO., AL

STATE OF ALABAMA

VS.

JERRY WHITLEY

\*  
\*  
\*  
\*  
\*

IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186-188

MOTION FOR CONSOLIDATION OF OFFENSES

The State moves the Court for an order that the above actions be tried together, upon the ground that the alleged offenses charged against the defendant in the indictment in each of said actions could have been joined as a single indictment under Rule 13 of the Alabama Rules of Criminal Procedure in that they are:

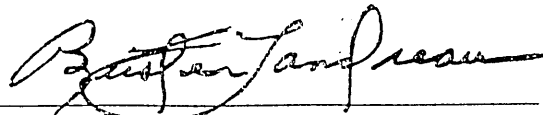
1. Of the same or similar character; or

2. Based on the same conduct or are otherwise connected in their commission; or

3. Alleged to have been part of a common scheme or plan.

By trial together of said actions, the expense of and time consumed in trial will be materially reduced.

FILED IN OFFICE  
FEB 27 AM 2:59  
CIRCUIT COURT  
RUSSELL COUNTY, AL

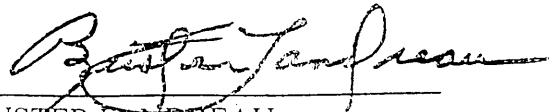


BUSTER LANDREAU  
CHIEF DEPUTY DISTRICT ATTORNEY  
26TH JUDICIAL CIRCUIT  
LAN 034

## CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the forgoing Motion upon the Hon. **LAUREL FARRAR** Attorney for the Defendant by placing a copy of the same in a receptacle reserved in his name in the office of the Circuit Clerk of Russell County

Done this 27TH Day of FEBRUARY, 2002.



BUSTER LANDREAU

STATE OF ALABAMA

VS.

JERRY WHITLEY

\*  
\*  
\*  
\*  
\*

IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186-188

MOTION FOR DISCOVERY

Comes now the State of Alabama by and through its District Attorney, Kenneth Davis and moves the Court pursuant to Rule 16.2 of the Alabama Rules of Criminal Procedure to issue an order directed to Hon. **LAUREL FARRAR** Counsel for Defendant, to-wit:

1. To permit the State to analyze, inspect, and copy or photograph books, papers, documents, photographs, audio tapes, video tapes, tangible objects, buildings or places, or portions of any of these things, which are within the possession custody, or control of the Defendant and which the Defendant intends to introduce in evidence at the trial.

2. To permit the State to inspect and copy any results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with this particular case, which are within the possession or control of the Defendant and which he intends to introduce in evidence at the trial or which were prepared by a witness whom the Defendant intends to call at the trial, if the results or reports relate to the witness's testimony.

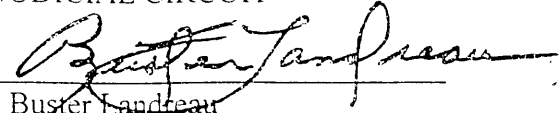
3. To produce and permit the State to inspect and copy the names and addresses of qualified mental health professionals who have personally examined the Defendant or any evidence in this case, as well as the results of or reports of mental examinations, scientific tests, experiments or comparisons and statements made by such professionals.

FILED IN OFFICE  
2002 FEB 27 PM 2:59  
CLERK OF DIST. COURT  
RUSSELL CO., AL.

Done this 27TH Day of February, 2002.

KENNETH DAVIS  
DISTRICT ATTORNEY  
26TH JUDICIAL CIRCUIT

BY:

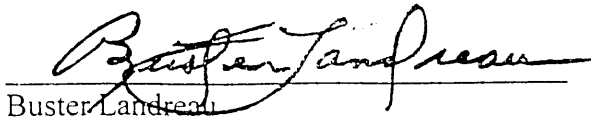


Buster Landreau  
Chief Deputy District Attorney  
LAN 034

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Motion for Discovery upon the Hon. **LAUREL FARRAR**, Counsel for the Defendant, by placing the same in a receptacle reserved in his/her name in the Office of the Clerk of the Circuit Court of Russell County, Alabama.

This the 27th Day of February, 2002.

  
Buster Landreau

STATE OF ALABAMA

vs.

JERRY WHITLEY

\*  
\*  
\*  
\*  
\*

IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186-188

NOTICE OF COMPLIANCE WITH DISCOVERY REQUEST

TO: LAUREL FARRAR

FROM: Buster Landreau

DATE: February 27, 2002

You filed a Motion for Discovery in the above-styled case(s). The materials to which you are entitled under Rule 16 of the Alabama Rules of Criminal Procedure and **Brady** are ready and available for you to pick up. This case was assigned to me so the material is being kept by me in my office. You will need to sign for this when you pick it up, so if I am not available, you can simply ask Randi Milner or Deborah Kimber and they know where the material is located. If any audio or video discovery exists, you must make an appointment with me to view the item or have a copy made.

FILED IN OFFICE  
2002 FEB 27 PM 2:59  
CLERK / DIST. COURT  
RUSSELL CO., AL

PLAINTIFF,  
VS.  
JERRY WHITLEY  
DEFENDANT.

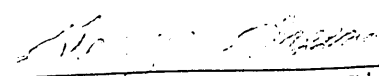
) IN THE CIRCUIT COURT OF  
)  
) RUSSELL COUNTY, ALABAMA  
)  
) CASE NO. CC 02-186-188  
)  
)

O R D E R

The State of Alabama, by and through its District Attorney, has filed a motion for discovery in the above case. Upon consideration of the motion, it is ORDERED by the Court that the Defendant shall:

1. Permit the District Attorney to analyze, inspect, and copy or photograph books, papers, documents, photographs, tangible objects, buildings or places, or portions of any of these things, which are within the possession, custody or control of the defendant and which the defendant intends to introduce in evidence at the trial.
2. Permit the District Attorney to inspect and copy any results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with the particular case, which are within the possession or control of the defendant and which the defendant intends to introduce in evidence at the trial or which were prepared by a witness whom the defendant intends to call at trial, if the results or reports relate to the witness's testimony.

DONE this 28<sup>th</sup> day of February, 2002.

  
George R. Greene, Circuit Judge

FILED IN OFFICE  
2002 FEB 28 PM 4:23  
CLERK OF DIST. COURT  
RUSSELL CO., AL

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

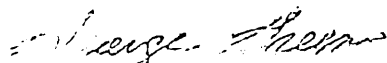
|                   |   |                      |
|-------------------|---|----------------------|
| STATE OF ALABAMA, | ) | CRIMINAL CASE NUMBER |
| Plaintiff,        | ) | CC-02-186-188        |
|                   | ) |                      |
| vs.               | ) |                      |
|                   | ) |                      |
| JERRY E. WHITLEY, | ) |                      |
| Defendant.        | ) |                      |

ORDER ON MOTION FOR APPROVAL OF EXPENSES

Upon consideration of the Motion for Approval of Expenses filed by the attorney for the defendant in the above-stated cause, the Court is of the opinion that the same is due to be granted.

IT IS, THEREFORE, ORDERED that the Comptroller for the State of Alabama reimburse Laurel W. Farrar, at the conclusion of her representation of the defendant at the trial court level, the sum of \$38.46 per hour for each hour committed to such representation.

SO ORDERED, this 20<sup>th</sup> day of February, 2002.

  
 \_\_\_\_\_  
 Honorable George Greene  
 Judge, Russell County Circuit Court

FILED IN OFFICE  
 2002 MAR -1 PM 2:45  
 CIRCUIT/DIST. COURT  
 RUSSELL CO., AL



IN THE DISTRICT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,  
Plaintiff,

vs.

JERRY E. WHITLEY,  
Defendant.

CRIMINAL CASE NUMBER

~~DC~~-02-186, 187 and 188

CC

MOTION FOR REDUCTION OF BOND

Pursuant to the Alabama Rules of Criminal Procedure, the defendant respectfully moves this Court to reduce the bond set in the above-styled case to a reasonable amount. As grounds for this motion, defendant states:

1. The defendant's bond is set at \$250,000.00 for the charge of Trafficking Methamphetamine, \$20,000.00 for the charge of Possession of a Controlled Substance, and \$1,000.00 for the charge of Resisting Arrest, for a total of \$271,000.00. The defendant is unable to post the bond as presently set. Accordingly, at this time, the defendant is incarcerated at the Russell County Jail.

2. The aforesaid amount of bond set in this cause is excessive in violation of the constitutional proscription against excessive bail guaranteed to the defendant by Section 16 of the Declaration of Rights of the Alabama Constitution and the Eighth and Fourteenth Amendments to the United States Constitution.

**WHEREFORE**, defendant respectfully moves that his bond be reduced to a reasonable amount, this 1st day of March, 2002.

EZELL & CHANCEY, LLP

By: 

Laurel W. Farrar

Attorneys for Defendant

P. O. Drawer 2500

Phenix City, AL 36868-2500

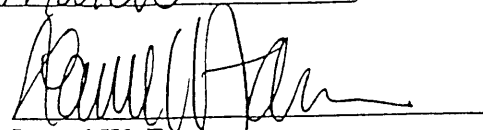
(334) 297-2400

Attorney Code FAR-036

FILED IN OFFICE  
2002 MAR -4 AM 11:00  
CLERK / DIST. COURT  
RUSSELL COUNTY, AL.

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for the defendant and that I have served a copy of the within and foregoing MOTION FOR REDUCTION OF BOND upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this 1st day of March, 2002.

  
Laurel W. Farrar

State of Alabama  
Unified Judicial SystemPLEA OF NOT GUILTY AND WAIVER OF  
ARRAIGNMENT

Case Number

CC-02-186-188

m CR-9 Rev. 3/95

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA  
(Circuit, District, or Municipal) (Name of County or Municipality)☒ STATE OF ALABAMA v. JERRY E. WHITLEY, Defendant

Comes now, the defendant in the above-styled matter, and to the offense charged enters a plea of

- ☒ Not Guilty  
☐ Not Guilty by Reason of Mental Disease or Defect  
☐ Not Guilty and Not Guilty by Reason of Mental Disease or Defect

Defendant acknowledges receipt of the copy of the charge against him/her and further waives the right to have an arraignment at which the defendant is present in person, or at which the defendant is represented by an attorney.

But, the defendant specifically and expressly reserves the right upon the filing hereof to hereafter, but before trial or before such date as may be set by the court, to interpose any defenses, objections, or motions which the defendant had the right as a matter of law or rule to interpose in this cause, prior to the filing hereof.

Defendant's date of birth is 9/20/65 Defendant's age is 36

The defendant is not eligible for consideration by the court for youthful offender status as provided by law.

3/5/2002  
 Date  
3/5/02  
 Date

[Signature]  
 Defendant  
[Signature]  
 Attorney for Defendant

This is to certify that I am the attorney for the defendant in this matter, and that I have fully explained this form and all matters set forth herein, and pertaining hereto, to the defendant. I further state to the court that I have explained to the defendant his right to be arraigned in person and his right to have me represent him at arraignment. I further certify to the court that my client hereby knowingly, voluntarily, and intelligently waives these rights after a full and complete explanation of each and every one of them to him/her by me. BOTH MYSELF AND THE DEFENDANT UNDERSTAND THAT I AM RESPONSIBLE FOR ASCERTAINING WHAT DATE, IF ANY, HAS BEEN SET BY THE COURT FOR THE MAKING OR FILING OF ANY DEFENSES, OBJECTIONS, OR MOTIONS. I FURTHER UNDERSTAND THAT I AM RESPONSIBLE FOR NOTIFYING MY CLIENT OF THE DATE HIS/HER CASE IS SET FOR TRIAL, AND THAT I HAVE ADVISED AND INFORMED HIM/HER THAT IN THE EVENT HE/SHE FAILS TO APPEAR ON THE DATE HIS/HER CASE IS SET FOR TRIAL, ALL APPROPRIATE LEGAL ACTION WILL BE TAKEN BY THE COURT AGAINST THE DEFENDANT AND HIS/HER BOND. I further certify to the court that I have advised my client that he/she is responsible for obtaining the date his/her case is set for trial in this matter and that in the event he/she fails to appear on the date his/her case is set for trial all appropriate legal action will be taken by the court against the defendant and his/her bond, and I hereby certify that the defendant knows that he/she is personally responsible for obtaining the date his/her case is set for trial and for being present in court on that date.

3/2/02  
 Date

[Signature]  
 Attorney for Defendant Signature

I certify that I served a copy of the foregoing plea and waiver of arraignment on the Prosecutor by mailing/delivering a copy of the same to him/her on:

3/5/02  
 Date

LAUREL W. FARRAR  
 Printed or Typed Attorney's Name

P.O. Drawer 2500, Phenix City, AL 36868  
 Address

This is to certify that my attorney has explained each and every matter and right set forth in this form and I have completely and fully read and do so understand each and every matter set forth in this form. I further state to the court that I do not wish to be personally present at an arraignment in this case and that I do not want to have an attorney represent me at an arraignment and WITH FULL KNOWLEDGE OF EACH OF THESE RIGHTS, I HEREBY EXPRESSLY WAIVE SUCH RIGHTS. I further state to the court that I have been informed of the charge against me and have received a copy of the charge.

3/5/2002  
 Date

[Signature]  
 Defendant Signature

 Filed in office this date 3/5/02
[Signature]  
 Clerk By JB5

STATE OF ALABAMA

PLAINTIFF,

VS.

JERRY E. WHITLEY

DEFENDANT.

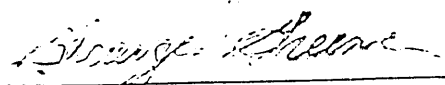
IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO.: CC 02-186,187,  
188ORDER

The defendant having filed a motion for reduction of bond and the court having considered same, it is ORDERED that the motion to reduce bond is denied.

DONE this the 6<sup>th</sup> day of March, 2002.

  
JUDGE, CIRCUIT COURT

FILED IN OFFICE  
2002 MAR -6 PM 3:01  
CIRCUIT/DIST. COURT  
RUSSELL CO., AL.

## IN THE COURT OF CRIMINAL APPEALS OF ALABAMA

|                                              |   |                         |
|----------------------------------------------|---|-------------------------|
| JERRY E. WHITLEY,                            | ) | CASE NO. _____          |
| Petitioner,                                  | ) |                         |
|                                              | ) | RUSSELL COUNTY          |
| vs.                                          | ) | CIRCUIT COURT           |
|                                              | ) | CASE NO. CC-02-186, 187 |
| STATE OF ALABAMA and THOMAS F.               | ) |                         |
| BOSWELL, Sheriff of Russell County, Alabama, | ) |                         |
| Respondents.                                 | ) |                         |

FILED IN OFFICE  
 MAR 13 AM 11:07  
 1867  
 JUDGE J. G. COLE  
 RUSSELL CO., AL

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner petitions this Court to issue a writ of *habeas corpus* requiring Thomas F. Boswell, Sheriff of Russell County, Alabama, to bring petitioner before this Honorable Court to show just cause as to why petitioner's bond should not be reduced, and as cause therefor, states as follows:

1. This petition for a writ of *habeas corpus* is made on behalf of Jerry E. Whitley, by and through his attorney, Laurel W. Farrar.
2. Petitioner is imprisoned and restrained of his liberty in the Russell County Jail in Phenix City, Alabama, by the Sheriff on felony charges, *to-wit*: Possession of methamphetamine, resisting arrest and trafficking in methamphetamine, pursuant to indictments issued on January 16, 2002, copies of which are attached hereto.
3. Petitioner is restrained of his liberty on said felony charges with bails in the amounts of \$250,000.00 for the charge of Trafficking Methamphetamine, \$20,000.00 for the charge of Possession of a Controlled Substance, and \$1,000.00 for the misdemeanor charge of Resisting Arrest, for a total of \$271,000.00. Said amounts were set by the Honorable George Greene, Russell County Circuit Court Judge.

4. On or about March 4, 2002, the undersigned attorney submitted to the Circuit Court a Motion for Reduction of Bond requesting that petitioner's bond be reduced for the reason that the bond as set was excessive in violation of the constitutional rights of petitioner as set forth in the Eighth and Fourteenth Amendments to the United States Constitution and in violation of the constitutional rights of petitioner as set forth in Article I, Section XVI of the Alabama Constitution, and said motion was denied on March 6, 2002. Copies of said motion and order are attached hereto.

5. The present bond amount is contrary to the provisions of Section 15-13-2, Code of Alabama, as amended, which recognizes the allowance of bail as a matter of right prior to conviction.

6. The present bond amount is excessive to such a degree that it effectively denies petitioner the right to bail prior to conviction.

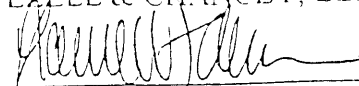
7. The present bond amount greatly and unreasonably exceeds the recommended range of bail as provided under Rule 7.2 of the Alabama Rules of Criminal Procedure.

**WHEREFORE**, petitioner prays:

- a. That this Honorable Court grant a writ of *habeas corpus*, and after reviewing all of the evidence and argument of counsel;
- b. That this Honorable Court set a bond that is reasonable and not excessive, all within the guidelines dictated by the Constitutions of Alabama and the United States; and
- c. Grant such other and further relief as may be deemed just in the premises.

EZELL & CHANCEY, LLP

By:



Laurel W. Farrar

Attorneys for Petitioner

P. O. Drawer 2500

Phenix City, AL 36868-2500

(334) 297-2400

Attorney Code FAR-036



JUDICIAL BUILDING  
P.O. BOX 301555  
MONTGOMERY, AL 36130-1555

H. W. "Bucky" McMILLAN  
Presiding Judge  
SUE BELL COBB  
PAMELA W. BASCHAB  
GREG SHAW  
A. KELLI WISE  
Judges

Lane W. Mann  
Clerk  
Wanda K. Ivey  
Assistant Clerk  
(334) 242-4590  
FAX (334) 242-4689

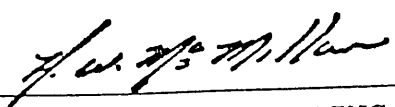
ORDER

CR-01-1243

Ex parte Jerry E. Whitley (In re: State of Alabama vs. Jerry E. Whitley) (Russell Circuit Court: CC02-186, 187, & 188).

Pursuant to the provisions of Rule 21(b), Alabama Rules of Appellate Procedure, the respondent is hereby granted fourteen (14) days to respond to the allegations contained in this petition for writ of habeas corpus.

Done this the 18th day of March, 2002.

  
\_\_\_\_\_  
H.W. "Bucky" McMILLAN, PRESIDING JUDGE

CCA/wki

cc: Honorable George R. Greene, Circuit Judge  
Honorable Kathy S. Coulter, Circuit Clerk  
Honorable Tommy Boswell, Sheriff  
Honorable Bill Pryor, Attorney General  
Honorable Laurel Wheeling Farrar, Attorney, Petitioner  
Honorable Kenneth Davis, District Attorney  
Office of Attorney General

## IN THE COURT OF CRIMINAL APPEALS OF ALABAMA

JERRY E. WHITLEY,  
Petitioner,

vs.

STATE OF ALABAMA and THOMAS F.  
BOSWELL, Sheriff of Russell County, Alabama,  
Respondents.

CASE NO. \_\_\_\_\_

RUSSELL COUNTY

CIRCUIT COURT

CASE NO. CC-02-186, 187, 188

CLERK OF DIST. COURT  
RUSSELL CO., AL

MAR 13 AM 11:07

FILED IN OFFICE

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner petitions this Court to issue a writ of *habeas corpus* requiring Thomas F. Boswell, Sheriff of Russell County, Alabama, to bring petitioner before this Honorable Court to show just cause as to why petitioner's bond should not be reduced, and as cause therefor, states as follows:

1. This petition for a writ of *habeas corpus* is made on behalf of Jerry E. Whitley, by and through his attorney, Laurel W. Farrar.

2. Petitioner is imprisoned and restrained of his liberty in the Russell County Jail in Phenix City, Alabama, by the Sheriff on felony charges, *to-wit*: Possession of methamphetamine, resisting arrest and trafficking in methamphetamine, pursuant to indictments issued on January 16, 2002, copies of which are attached hereto.

3. Petitioner is restrained of his liberty on said felony charges with bails in the amounts of \$250,000.00 for the charge of Trafficking Methamphetamine, \$20,000.00 for the charge of Possession of a Controlled Substance, and \$1,000.00 for the misdemeanor charge of Resisting Arrest, for a total of \$271,000.00. Said amounts were set by the Honorable George Greene, Russell County Circuit Court Judge.

MAR 27 PM 4:55

FILED IN OFFICE

Page 1

*Bond reduced to  
60,000 on Trafficking Charge  
10,000 on Possession of  
controlled substance  
1,000 Resisting arrest*